

Agenda – Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 3 – Senedd	Naomi Stocks
Dyddiad: Dydd Iau, 25 Ionawr 2018	Clerc y Pwyllgor
Amser: 09.00	0300 200 6565
	SeneddCymunedau@cynulliad.cymru

Rhag-gyfarfod (09.00 – 09.15)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

2 Ymchwiliad i dlodi yng Nghymru: gwneud i'r economi weithio i'r rheini sydd ag incwm isel – sesiwn dystiolaeth 11

(09.15 – 10.45)

(Tudalennau 1 – 71)

Ken Skates AC, Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth

Eluned Morgan AC, Gweinidog y Gymraeg a Dysgu Gydol Oes

Marcella Maxwell, Dirprwy Gyfarwyddwr, Datblygu Sefydliadol a'r Rhaglen

Newid, Llywodraeth Cymru

Maureen Howell, Dirprwy Gyfarwyddwr, Cydraddoldeb a Ffyniant, Llywodraeth Cymru

Rachel Garside-Jones, Dirprwy Gyfarwyddwr Dros Dro, Sgiliau,

Cyflogadwyedd a Chyllid yr UE, Llywodraeth Cymru

3 Cynnig o dan Reol Sefydlog 17.42 (vi) i benderfynu gwahardd y cyhoedd o eitemau 4, 8, 9 a 10 y cyfarfod

4 Ymchwiliad i dlodi yng Nghymru: gwneud i'r economi weithio i'r rheini sydd ag incwm isel – trafod y dystiolaeth a gafwyd o dan eitem 2

(10.45 – 10.55)



Egwyl (10.55 – 11.00)

5 Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru): sesiwn dystiolaeth 11 – craffu ariannol

(11.00 – 12.00)

(Tudalennau 72 – 116)

Simon Thomas AC, yr Aelod sy'n Gyfrifol am y Bil

Gareth Howells, Y Gwasanaethau Cyfreithiol, Comisiwn y Cynulliad

Joanne McCarthy, Y Gwasanaeth Ymchwil, Comisiwn y Cynulliad

Cinio (12.00 – 12.30)

6 Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru): sesiwn dystiolaeth 12 – craffu ar egwyddorion cyffredinol y Bil

(12.30 – 14.00)

(Tudalennau 117 – 137)

Simon Thomas AC, yr Aelod sy'n gyfrifol am y Bil

Gareth Howells, Y Gwasanaethau Cyfreithiol, Comisiwn y Cynulliad

Joanne McCarthy, Y Gwasanaeth Ymchwil, Comisiwn y Cynulliad

7 Papur(au) i'w nodi

7.1 Llythyr gan Simon Thomas AC mewn cysylltiad â Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru)

(Tudalennau 138 – 165)

7.2 Llythyr gan Ysgrifennydd y Cabinet dros Gyllid mewn cysylltiad â Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru)

(Tudalennau 166 – 167)

7.3 Gwybodaeth ychwanegol gan Gyngor ar Bopeth mewn perthynas â'r Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru)

(Tudalennau 168 – 170)

7.4 Ymateb gan Lywodraeth Cymru i'r adroddiad ar y gyllideb ddrafft 2018–19

(Tudalennau 171 – 187)

8 Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru): Trafod y prif faterion dan sylw.

(14.00 – 14.45)

9 Trafod yr adroddiad drafft ar y Memorandwm Cydsyniad

Deddfwriaethol: Y Bil Arweiniad a Hawliadau Ariannol

(14.45 – 14.50)

(Tudalennau 188 – 193)

**10 Ymchwiliad i Feichiogrwydd, mamolaeth a gwaith: trafod y
cwmpas a'r dull**

(14.50 – 15.00)

(Tudalennau 194 – 199)

Mae cyfyngiadau ar y ddogfen hon

1. Diben y papur hwn yw darparu tystiolaeth ysgrifenedig i'r Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau ynghylch ei ymchwiliad ar *Wneud i'r economi weithio i'r rheini sydd ag incwm isel*. Mae'r papur hwn yn rhoi trosolwg o sut y gall Strategaeth Genedlaethol Llywodraeth Cymru, Cynllun Gweithredu ar yr Economi a'r Cynllun Cyflogadwyedd arfaethedig fynd i'r afael â thlodi yng Nghymru.

Ffyniant i Bawb

2. Mae cynyddu ffyniant a chefnogi economi gref sy'n cynhyrchu cyfleoedd cyflogaeth cynaliadwy sy'n hygyrch i bawb yn sylfaenol i fynd i'r afael â thlodi. Nid yw hyn yn ymwneud â chyfoeth materol yn unig. Mae'n ymwneud â sicrhau bod gan bob un ohonom ansawdd bywyd da a'n bod yn byw mewn cymunedau cryf a diogel gyda swyddi sy'n talu'n dda, ac incymau aelwydydd a lefelau cynhyrchiant da.
3. Mae'r Strategaeth Genedlaethol yn darparu fframwaith ar gyfer ein dull llywodraeth gyfan o weithredu ar gyfer cynyddu ffyniant a mynd i'r afael ag achosion craidd tlodi mewn modd mwy effeithiol a chydgyssylltiedig.
4. Mae'n nodi sut y byddwn yn gyrru economi Cymreig sy'n lledaenu cyfleoedd ac yn mynd i'r afael ag anghydraddoldeb; sut y byddwn yn gwella iechyd a llesiant; sut y byddwn yn cefnogi pobl i wireddu'u potensial a sut y byddwn yn datblygu'r cysylltiadau hanfodol hynny a fydd yn cynorthwyo Cymru fel cenedl a'i phobl i ffynnu.
5. Mae'r strategaeth yn nodi pum prif faes blaenoriaeth y mae'r potensial mwyaf iddynt gyfrannu at ffyniant a llesiant hirdymor. Y rhain yw y Blynyddoedd Cynnar, Tai, Gofal Cymdeithasol, Iechyd Meddwl a Sgiliau a Chyflogadwyedd. Bydd hyn yn golygu rhoi'r dechrau gorau i bob plentyn, meithrin cymunedau gwydn a darparu cartrefi diogel a chlyd a chymryd camau i sicrhau llesiant drwy daith bywyd. Bydd y strategaeth yn cael ei gyrru gan ffocws ar godi lefelau sgiliau, sicrhau cyflogaeth gynaliadwy a lledaenu buddiannau twf economaidd mor eang â phosibl.
6. Mae gan fwy o aelwydydd yng Nghymru gartref sy'n ddiogel a chynnes. Mae ystadegau diweddar yn dangos gwelliannau yn ansawdd tai cymdeithasol. Roedd 86% o'r holl dai cymdeithasol yn cyrraedd Safon Ansawdd Tai Cymru erbyn mis Mawrth 31 2017, sy'n gynydd o saith pwynt canran ers y flwyddyn flaenorol.

Cynllun Gweithredu Economaidd

7. I gefnogi Ffyniant i Bawb: y strategaeth genedlaethol, a darparu rhagor o fanylion ynghylch sut y byddwn yn rhoi ein hymrwymiaidau ar waith, cafodd ein Cynllun Gweithredu Economaidd ei gyhoeddi ym mis Rhagfyr 2017.
8. Mae'r Cynllun yn eang ei gwmpas ac yn defnyddio ysgogwyr ar draws y Llywodraeth i dyfu ein heconomi, lledaenu cyfleoedd, a hyrwyddo llesiant. Bydd yn datblygu'r camau gweithredu o fewn y thema Ffyniant a Diogelwch ac yn cyfrannu'n weithredol at y themâu a'r meysydd blaenoriaeth eraill.
9. Bydd y Cynllun Gweithredu yn cynnwys safbwynt y Llywodraeth gyfan. Mae'n cydnabod y pwysau ar adnoddau ac felly pwysigrwydd gweithio'n fwy cydlynol,

Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU

effeithiol a strategol ar draws y Llywodraeth mewn perthynas â'n blaenoriaethau craidd.

10. Y Contract Economaidd yw canolbwynt ein dull newydd o weithio newydd, ac mae'n fframwaith i'r berthynas gyfatebol rhwng Llywodraeth a busnes i ddatblygu buddsoddiad cyhoeddus gyda phwrpas cymdeithasol. Byddwn yn defnyddio'r Contract Economaidd i gefnogi busnesau yn ariannol yn uniongyrchol, a byddwn yn edrych ar ymestyn y contract i gynnwys ein cynnig ehangach i fusnesau ac i gael gweddill y sector cyhoeddus yng Nghymru i fabwysiadu'r egwyddorion hyn. Bydd y Contract Economaidd yn ei gwneud yn ofynnol i fusnesau sy'n chwilio am fuddsoddiad i ddangos, ymysg pethau eraill, eu bod yn hyrwyddo gwaith teg a iechyd, sgiliau a dysgu yn y gweithle.
11. Mae'r Cynllun yn cynnwys ymrwymiad i weithio gyda busnesau i oresgyn pum her y dyfodol drwy newid ein dulliau sylfaenol o roi cymorth er mwyn canolbwyntio ar pum Galwad i Weithredu. Mae'r rhain yn cynnwys canolbwyntio ar waith o safon uchel, datblygu sgiliau a gwaith teg, gwella ein sylfaen sgiliau a sicrhau cyflogau teg.
12. Mae'r Cynllun yn cydnabod pwysigrwydd swyddogaeth economaidd a chymdeithasol sectorau sylfaenol megis gofal, twristiaeth, bwyd a manwerthu. Mae'r sectorau hyn yn darparu nwyddau a gwasanaethau hanfodol ac yn asgwrn cefn nifer o gymunedau lleol. Mae'r Cynllun yn targedu y cymorth i'r sectorau hyn, er mwyn deall yr heriau y maent yn eu hwynebu a'r cyfleoedd ar gyfer twf ac arloesi. Bydd cryfhau'r sectorau hyn yn helpu i greu cymunedau cadarn ym mhob rhan o Gymru, gan helpu i gyflawni ein gweledigaeth o dwf cynhwysol.
13. Bydd y model rhanbarthol o ddatblygu economaidd a amlinellir yn y Cynllun yn helpu i deilwra ein dull o gyflawni i'r heriau a'r cyfleoedd mewn gwahanol rannu o Gymru. Bydd y dull hwn o weithio yn golygu y gallwn gydweithio â phartneriaid i fanteisio ar gyfleoedd ar gyfer twf lleol, teilwra gweithgareddau i anghenion penodol y rhanbarthau a sicrhau bod twf yn cael ei ddosbarthu'n fwy cyfartal.
14. Wrth ddatblygu Ffyniant i Bawb, ein strategaeth genedlaethol, cafodd pum maes eu cydnabod fel y meysydd sydd â'r posibiladau mwyaf o ran gwneud cyfraniad i ffyniant a llesiant hirdymor, sef y blynyddoedd cynnar, tai, gofal cymdeithasol, iechyd meddwl, sgiliau a chyflogadwyedd. Mae'r Cynllun Gweithredu Economaidd yn cyfrannu at y pum maes hwn. Yn benodol bydd canolbwyntio ar y sector gofal fel sector sy'n sylfaen yn cefnogi capasiti a gallu yn y sector ac yn caniatáu inni ymateb i'w heriau penodol a'i gyfleoedd. Hefyd mae canolbwyntio ar iechyd, gan gynnwys iechyd meddwl, trwy'r Contract Economaidd yn cynnwys cefnogi mentrau helpu cyflogeion sy'n mynd i'r afael â ffactorau negyddol sy'n cael effaith ar iechyd a lles.
15. Mae'r Prif Weinidog eisoes wedi datgan uchelgais Llywodraeth Cymru i wneud Cymru'n wlad Gwaith Teg lle dylai pawb allu cael swydd well yn nes at adref, lle gall pobl ddatblygu'u sgiliau a'u gyrfaoedd a lle gall pob un ohonom ddisgwyl gwaith dechau sy'n gwella'n bywyd heb ein hecsbloetio nac achosi tlodi.
16. Rydym wedi sefydlu Bwrdd Gwaith Teg. Ei dasg cyntaf fydd creu diffiniad clir o waith teg yn ogystal â nodi'r sbardunau y gallwn eu defnyddio i annog mwy o ganlyniadau

Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU

gwaith teg yn sgil gwariant cyhoeddus ac arferion caffael yng Nghymru. Bydd gwaith y Bwrdd Gwaith Teg yn elfen bwysig o'n Contract Economaidd newydd gan osod y sylfeini ar gyfer yr amodau newydd y byddwn yn eu rhoi ar y rheini sy'n derbyn arian cyhoeddus.

Trafnidiaeth

17. Mae trafndiaeth yn chwarae rôl hanfodol mewn perthynas â gwella gallu economi Cymru i gystadlu, cysylltu pobl, cymunedau a busnes â swyddi, cyfleusterau a marchnadoedd. Ein ffocws yw darparu system trafndiaeth gynaliadwy, amlfodol ac integredig sy'n galluogi ein cymunedau i fod yn unedig ac i ffynnu, gan ddarparu mynediad i bawb i'r cyfleoedd sydd eu hangen arnynt i fyw bywydau iach, cynaliadwy a boddhaus.
18. Rydym yn parhau i ddarparu arian sylweddol i gefnogi rhwydwaith bysiau Cymru. Trwy'r Grant Cynnal Gwasanaethau Bysiau, rydym wedi neilltuo £25m i awdurdodau lleol ar gyfer 2017-18 i roi help ariannol i amrywiaeth o wasanaethau bysiau a chcludiant cymunedol ledled Cymru. Ni fyddai'r gwasanaethau hyn yn bod oni bai am arian cyhoeddus.
19. Rydym wrthi'n ymgynghori ar gynllun teithio rhatach ar fysiau ar gyfer pobl ifanc, i adeiladu ar lwyddiant y cynllun y gwnaethom ei gyflwyno ym mis Medi 2015. Amcan yr ymgynghoriad yw gweld sut y gallwn wella'r disgownt presennol o draean pris tocyn i bobl 16-18 oed, ac efallai ei ymestyn. Daeth yr ymgynghoriad i ben ar 4 Ionawr.
20. Bu Llywodraeth Cymru'n trafod y polisi â gweithredwyr bysiau, awdurdodau lleol a grwpiau teithwyr yng Nghymru, er mwyn datblygu cynigion ynghylch sut orau i wella gwasanaethau bysiau lleol fel rhan o system cludiant cyhoeddus integredig yng Nghymru. Dechreuwyd yr ymgynghoriad ar 8 Mawrth a daeth i ben ar 31 Mai 2017. Cyhoeddwyd adroddiad canlyniadau ym mis Awst 2017. Caiff ymgynghoriad arall ei gynnal yng Ngwanwyn 2018 ar gynigion manylach.
21. Mae cynllun y Tocynnau Bws Rhatach yn hynod boblogaidd, gyda rhyw 760,00 o bobl yng Nghymru â cherdyn teithio - pobl nad oes angen iddyn nhw boeni am bris tocyn bws i fynd i'r gwaith, addysg, digwyddiadau cymdeithasol, hyfforddiant, apwyntiadau meddygol ac ati.
22. Mae 74% o'r teithiau bws am ddim yng Nghymru yn cael eu cymryd gan bobl hŷn, gyda bron i chwarter y teithiau hynny'n digwydd ar yr adegau teithio prysuraf. Teithiau gan bobl â cherdyn teithio yw 46% o'r holl deithiau ar fysiau lleol yng Nghymru (tua 45 miliwn), mwy nag yn yr Alban (36%) a Lloegr (34%).
23. Dechreuwyd ymgynghoriad cyhoeddus ar drefniadau teithiau bws am ddim ar gyfer pobl hŷn, pobl anabl a rhai cyn-filwyr clwyfedig ar 10 Hydref 2017 a bydd yn para tan 12 Ionawr 2018. Bydd hyn yn adeiladu ar yr ymgynghoriad cyhoeddus a gynhaliwyd yn gynharach yn 2017 ynghylch sut y gallem gynllunio a darparu gwasanaethau bws lleol gwell fel rhan o system cludiant integredig ar gyfer y dyfodol.

Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU

24. Mae Llywodraeth Cymru wedi ymrwymo i sicrhau bod ein cynllun yn fforddadwy ac yn para i ddiwallu anghenion pobl Cymru a chyfrannu at ein hamcanion o greu cymdeithas unedig a chydgysylltiedig.
25. Rydym hefyd yn asesu apêl a heriau teithio am ddim ar y penwythnos i bawb ar y rhwydwaith TrawsCymru eang. Yr amcan yw gweld sut mae pobl yn ymateb i'r cynnig o deithiau am ddim, gan gynnwys i ba raddau y mae'n denu teithwyr newydd i'r rhwydwaith bysus.

Rhanbarthau Dinesig

26. Mae ein Rhanbarthau Dinesig yn cydnabod, nid yn unig bod yn rhaid i ddinasoedd yrru twf, ond bod yn rhaid rhannu ffyniant ar draws y rhanbarthau ehangach. Maent yn pwysleisio cysylltedd a sgiliau fel blaenoriaethau craidd. Mae'r blaenoriaethau hyn yn galluogi twf ac maent yn hwyluso mynediad cynhwysol i swyddi a chyfleoedd.

Cefnogaeth fusnes

27. Mae cymorth eang ar gael ar gyfer entrepreneuriaid a busnesau bach a chanolig ledled Cymru drwy ein Gwasanaeth Busnes Cymru gan gynnwys mynediad at gyllid. Yn ei dair blynedd cyntaf, mae Busnes Cymru wedi helpu i greu 14,000 o swyddi, wedi diogelu 3,500 o swyddi ac wedi creu 9,600 o fusnesau newydd. Rhoddwyd cyngor i dros 25,000 o fentrau bach a chanolig a darparwyd gwybodaeth i 53,000 ohonynt. Cafwyd un miliwn a hanner o ymweliadau â'r wefan.

Cynllun Cyflogadwyedd

28. Mae cyflogadwyedd yn un o'r pum maes blaenoriaeth – nodwyd bod ganddo'r cyfraniad posibl mwyaf at ffyniant a llesiant hirdymor – yn Ffyniant i Bawb. Mae cyflogaeth teg, diogel a gwerthfawr yn hanfodol i lesiant pobl, ac mae gwella sgiliau'n allweddol i ddatgloi twf ac arloesedd i fusnesau.
29. Mae cyfranogi at y farchnad lafur yn cael ei gydnabod fel y sbardun unigol mwyaf effeithiol o ran symud i mewn ac allan o tlodi. Mae dros hanner y bobl sy'n symud i mewn i tlodi yn profi gostyngiad mewn cyflog, yn bennaf oherwydd colli swyddi. Rydym yn gwybod bod mwy o risg y bydd aelwydydd di-waith mewn tlodi a bod risg arbennig iddynt fyw mewn tlodi parhaus. Mae bod yn ddi-waith yn cael effaith niweidiol ar lesiant meddyliol a chorfforol.
30. Ar yr un pryd, mae plant sy'n byw ar aelwydydd di-waith yn llawer mwy tebygol o gael canlyniadau iechyd ac addysgol gwaeth, fel plant ac oedolion. Mae bod yn ddi-waith fel oedolyn ifanc yn arwain at debygolrwydd uwch o effaith hirdymor mewn perthynas â chyflog dilynol is, diweithra uwch, llai o gyfleoedd mewn bywyd a mwy o broblemau iechyd meddwl. O safbwynt mynd i'r afael â thlodi, mae'r dystiolaeth i gefnogi ffocws ar gyflogadwyedd yn llethol.
31. Ceir buddiannau personol ehangach i gyflogaeth hefyd. Gall cyflogaeth ac amgylchaidau gweithio da gael effaith bositif, drwy ddarparu nid yn unig ddiogelwch

Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU

cyllidol, ond hefyd statws cymdeithasol, datblygiad personol, perthnasau cymeithasol a hunanhyder.

32. Mae'r Cynllun Cyflenwi Cyflogadwyedd yn rhoi cipolwg lefel uchel, uchelgeisiol ar sut y byddwn yn adolygu a datblygu'r system cyflogadwyedd yng Nghymru. Mae'r Cynllun yn cael ei ddatblygu mewn aliniad agos â'r Cynllun Gweithredu Economaidd a Chynllun Cyflenwi Tasglu'r Cymoedd i sicrhau bod polisiau'n cydweddu ac yn cael eu croesgyfeirio lle bo hynny'n briodol. Bydd y dangosfwrdd perfformiad yn monitro ac yn cynnig cyngor ar gydgyssylltu'r polisiau a'r rhaglenni Sgiliau, Addysg Uwch a Dysgu Gydol Oes fel ymateb i Symud Cymru Ymlaen.
33. Gwnaed cynnydd da o ran gwella'r gyfradd gyflogaeth a lleihau diffyg gweithredu ers datganoli. Fodd bynnag, mae lefelau isel o sgiliau'n parhau i fod yn broblem. Mae diweithdra'n parhau i fod yn rhy uchel mewn rhai cymunedau ledled Cymru ac mae gormod o bobl o hyd nad ydynt yn weithgar yn economaidd ond sy'n dymuno gweithio ac a allai weithio gyda'r cymorth cywir. Mae'r dirwedd bresennol o gymorth cyflogadwyedd yn gymhleth. Mae angen ei symleiddio a'i reoli fel system os ydym am wella gwasanaethau lleol yn y gymuned i bobl sydd angen cymorth.
34. Bydd y Cynllun yn amlygu datblygiadau newydd yng ngwahanol feysydd cylch bywyd cyflogadwyedd. Mae hyn yn cynnwys datblygu'r Porth Cymorth Cyflogadwyedd, sy'n ddull cyfeirio cydgysylltiedig; Cymru'n Gweithio, adolygiad o'n rhaglenni cyflogadwyedd; a datblygu ein gwaith Cymunedol drwy Cymunedau dros Waith a Mwy. Bydd y Cynllun hefyd yn ystyried rhwystrau gweithredol a strwythurol i gyflogaeth a chymorth, fel trafndiaeth neu gyfrifoldebau gofalu, a bydd yn amlinellu sut y gall y llywodraeth sbarduno'r ysgogwyr sydd ar gael inni i chwalu'r rhwystrau hyn.
35. Byddwn yn cynnwys ymgysylltiad â chyflogwyr, a'r rôl y gallant ei chwarae drwy bartneriaethau sgiliau rhanbarthol o ran asesu anghenion y farchnad lafur mewn rhanbarth, a datblygu gweithlu sydd â'r sgiliau priodol.
36. Byddwn yn amlinellu'r cynlluniau ar gyfer dulliau llywodraethiant newydd a fydd yn caniatáu gwerthusiad cyffredinol ac atebolrwydd y system gyflogadwyedd gyflawn, gan gynnwys sut mae rhaglenni'n rhyngweithio â'i gilydd.
37. Bydd y Cynllun Cyflawni Cyflogadwyedd, y bwriedir ei gyhoeddi erbyn diwedd Chwefror 2018, yn cynnwys cynllun cyflogadwyedd newydd o'r enw Cymru'n Gweithio. Un raglen gyflogadwyedd yw Cymru'n Gweithio ar gyfer pobl ifanc ac oedolion, sy'n canolbwyntio ar yr unigolyn, gan nodi a mynd i'r afael â'r rhwystrau i gyflogaeth a rhoi amrywiol gymorth sy'n symud pobl i waith cynaliadwy o safon.
38. Caiff y rhaglen ei rhannu yn haenau ieuencid ac oedolion ond maent yn rhannu un weledigaeth, platfform cyflawni cyffredin a phwrpas cyffredin, sef gwaith addas i bawb. Bydd Cymru'n Gweithio'n cymryd lle'r rhaglenni presennol: ReAct, Twf Swyddi Cymru, y Rhaglen Sgiliau Cyflogadwyedd a Hyfforddiaethau. Rhwng nawr ac Ebrill 2019, bydd y rhaglenni hyn yn cael eu haildrefnu i gyd-fynd â'r drefn newydd fydd yn canolbwyntio ar yr unigolyn ac yn cael eu teilwra i ddelio â'u rhwystrau unigol.

Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU

Tasglu'r Cymoedd

39. Mae incymau yng Nghymoedd y De dipyn is nag incymau ardaloedd eraill a cheir dibyniaeth drom yno ar fudd-daliadau lles. Mae'r diwygiadau Llywodraeth Prydain i'r system lles ers 2010 wedi taro'r hawlwr yn y cymoedd yn galed. Mae Tasglu'r Cymoedd yn canolbwyntio ar greu swyddi a chyfleoedd newydd yn y Cymoedd lle mae'n anodd cael hyd i waith.
40. Mae tlodi'n parhau mewn cymunedau eraill ledled Cymru hefyd ac er nad yw'r Cymoedd damaid yn fwy haeddiannol, mae'r ffocws hwn yn rhoi cyfle inni brofi ffyrdd newydd o weithio yn y Cymoedd a defnyddio'r hyn a ddysgwn i ddod â ffyniant i bob rhan o'r wlad.
41. Wrth edrych ar amddifadedd materol, amddifadedd o ran incwm ac amddifadedd o ran swyddi, mae lefelau amddifadedd yng Nghymoedd y De'n uwch na'r cyfartaledd cenedlaethol.
42. Mae'r tasglu wedi cydnabod bod angen inni ddysgu oddi wrth fentrau a rhaglenni'r gorffennol a gweithio mewn ffordd wahanol. Nid menter o'r brig i'r gwaelod fydd hon. Byddwn yn hytrach yn gweithio mewn partneriaeth â chymunedau yn y Cymoedd. Mae'r cynllun a gyhoeddwyd ar 20 Gorffennaf a'r cynllun manylach a gyhoeddwyd ar 7fed Tachwedd wedi'u llunio a'u datblygu ar ôl trafod helaeth â chymunedau, busnesau a'r trydydd sector ym mhob rhan o'r Cymoedd.
43. Mae'r tasglu, ar y cyd â phobl, busnesau, llywodraeth leol, trydydd sector a chymdeithasau sifig yn y Cymoedd, wedi nodi tri maes y dylid rhoi blaenoriaeth iddynt:
 - a. Swyddi o ansawdd uchel a'r sgiliau i'w gwneud
 - b. Gwasanaethau cyhoeddus gwell, a
 - c. Y gymuned leol.
44. Bydd yr arian a fuddsoddir yn cynnig cyfleoedd i fentrau newydd fel Prifddinas-Ranbarth Caerdydd, Dinas-Ranbarth Abertawe a Metro De Cymru, ar y cyd â'n gwaith rhanbartholi ehangach, i ddod â busnesau, llywodraeth leol, y trydydd sector, cymdeithasau sifig ynghyd i ddatblygu cynllun cydlynol fydd yn hyrwyddo'r rhanbarth fel lle i fuddsoddi ynddo yn ogystal â threfnu'r buddsoddi sydd eisoes yn digwydd mewn ffordd well.
45. Bydd ein ffordd o weithio'n ein galluogi i ddefnyddio'r Cymoedd fel man prawf ar gyfer chwilio am y ffordd orau i hybu cyflogadwyedd. Sgiliau a Chyflogadwyedd yw un o'r pum maes blaenoriaeth a nodwyd yn y Strategaeth Genedlaethol fel y rhai sydd â'r potensial mwyaf i gyfrannu at ffyniant a llesiant tymor hir.
46. Wrth inni newid i ddarparu'r rhaglen cyflogadwyedd newydd, Cymru'n Gweithio, rydym yn rhoi ar brawf ffyrdd i hybu cyflogadwyedd oedolion sy'n ddi-waith am gyfnodau byr neu sy'n mynd i mewn a mas o waith dros dro. Bydd ffocws daearyddol i'r treial i ddechrau, gan ganolbwyntio ar y Cymoedd. Byddwn yn rheoli'r newid i raglen newydd Cymru'n Gweithio i wneud yn siŵr na fydd oedi rhwng y ddau. Y nod yw bod y bobl sy'n ymuno â'r set gyfredol o raglenni ar neu cyn 31 Mawrth 2019 yn cael cwblhau eu

Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU

rhaglen ddysgu a sicrhau na fydd neb sy'n cael cymorth yn cael cam yn sgil cyflwyno'r rhaglenni newydd.

47. Mae tîm o bob rhan o lywodraeth yn gweithio ar y rhaglen Swyddi Gwell yn Nes at Adre, i'w halinio â nifer o dreialon masnachol ar gyfer helpu i greu swyddi ystyrlon yn y cymunedau hynny sydd â'r lefelau uchaf o ddiweithdra. Mae hyn yn golygu swyddi lleol i bobl leol a chyflog teg ac amodau teg. Bydd y treialon yn rhoi dulliau newydd o gaffael ar waith fydd yn creu swyddi trwy ymyriadau masnachol o fewn proffil gwariant Sector Cyhoeddus Cymru ar brosiectau gwaith, nwyddau a gwasanaethau. Os bydd y treialon yn llwyddiannus, yna gellid eu hatgynhyrchu ledled Cymru, mewn meysydd gwario eraill. Mae'r rhaglen yn dod o dan y flaenoriaeth 'Swyddi a Ansawdd Da a'r Sgiliau i'w gwneud' y tasglu; bydd yn creu cyfleoedd go iawn a swyddi gweddus lle mae'r angen fwyaf. Mae hyn yn cynnwys defnyddio caffael cyhoeddus i gefnogi busnesau lleol a chadwyni cyflenwi.

Cyflog Byw

48. Mae Llywodraeth Cymru'n cefnogi'r cysyniad o Gyflog Byw, fel y'i diffinnir gan y Sefydliad Cyflog Byw. Drwy weithio mewn partneriaeth gymdeithasol, rydym yn annog cyflogwyr i fabwysiadu'r Cyflog Byw fel un o ystod o gamau cadarnhaol i helpu i liniaru'r problemau sy'n cael eu peri gan dlodi a chyflogau isel yng Nghymru.
49. Mae Llywodraeth Cymru wedi cynhyrchu Canllaw ar Weithredu'r Cyflog Byw drwy Gaffael a ddarparwyd i sefydliadau preifat, cyhoeddus a'r trydydd sector. Cyhoeddwyd y Canllaw ochr yn ochr â Chod Ymarfer ynghylch Cyflogaeth Foesebol mewn Cadwyni Cyflenwi. Mae talu cyflog teg yn rhan o fod yn gyflogwr moesebol. Rydym wedi dangos ein hymrwymiad ymhellach drwy sicrhau bod yr holl staff a gyflogir yn uniongyrchol o fewn Llywodraeth Cymru yn cael Cyflog Byw (ag eithrio prentisiaid), ac mae hyn yn wir o fewn GIG Cymru hefyd. Mae cyflwyniad y cytundeb cyffredinol mewn Addysg Bellach wedi sicrhau bod yr holl staff sydd wedi'u cynnwys yn y cytundeb hwn bellach yn cael Cyflog Byw hefyd neu fwy na hynny.

Budd-daliadau Lles

50. Yn 2016/17, roedd gwariant yr Adran Gwaith a Phensiynau (DWP) ar fudd-daliadau gwladol yng Nghymru yn £9.5 biliwn (5.5 y cant o'r cyfanswm ar gyfer Prydain Fawr). Yn ogystal, mae ystadegau Cyllid a Thollau Ei Mawrhydi yn nodi bod tua 224,000 o aelwydydd yng Nghymru wedi derbyn cyfanswm o £1.4 biliwn o daliadau'r Credyd Treth Gweithio a'r Credyd Treth Plant yn 2015/16 (5.2 y cant o'r cyfanswm ar gyfer Prydain Fawr).
51. Amcangyfrifir y bydd diwygiadau lles Llywodraeth y DU dros yr ychydig o flynyddoedd nesaf yn arwain at ostyngiadau sylweddol yn incwm budd-daliadau rhai aelwydydd. Mae hyn ar ben y toriadau lles sylweddol a weithredwyd ers 2010.
52. Mae dadansoddiad y Sefydliad Astudiaethau Cyllid (IFS) yn dangos bod aelwydydd yng Nghymru'n colli 1.6 y cant o'u incwm net ar gyfartaledd (neu tua £460 y flwyddyn) o'r diwygiadau treth a budd-daliadau a gyflwynwyd gan lywodraeth y DU rhwng 2015-16 a 2019-20. Mae hyn yn cyfateb i £600 miliwn y flwyddyn yng Nghymru gyfan.

Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU

53. Rydym yn gwybod bod aelwydydd ar incymau is, yn enwedig y rheini â phlant, yn colli llawer mwy ar gyfartaledd (tua 12 y cant o'r incwm net). Mae teuluoedd mawr yn enwedig yn cael eu taro'n galed gan golli tua £7,750 y flwyddyn neu 20 y cant o'r incwm net ar gyfartaledd.
54. Mae dadansoddiad IFS yn rhagweld y bydd tlodi plant absoliwt yng Nghymru yn cynyddu 7 pwynt canran bron rhwng 2013-15 a 2019-21, y cynnydd mwyaf o bob gwlad yn y DU a'r rhanbarthau yn Lloegr. Mae'r diwygiadau treth a budd-daliadau sy'n cael eu cynllunio gan lywodraeth y DU yn cyfrif am bron i 4 pwynt canran o'r cynnydd mewn tlodi plant absoliwt yng Nghymru dros y cyfnod hwn. Caiff hyn ei yrru gan newidiadau llywodraeth y DU i fudd-daliadau lles, megis cyfyngu ar gredydau treth a chredyd cynhwysol i ddau o blant, a'r rhewi ar y rhan fwyaf o fudd-daliadau oedran gweithio.
55. Mae Llywodraeth Cymru yn parhau i liniaru ar effeithiau gwaethaf diwygiadau lles Llywodraeth Prydain, ble o bo'n bosibl. Rydym yn parhau i fod yn ymrwymedig i gadw hawliau llawn aelwydydd i dderbyn cymorth gyda'u biliau trethi cyngor drwy Gynllun Lleihau'r Dreth Gyngor. Cefnogir y cynllun gyda £244 miliwn o gyllid gan Lywodraeth Cymru a ddarperir drwy'r Setliad Llywodraeth Leol. O ganlyniad, bydd bron i 300,000 o aelwydydd sy'n agored i niwed ar incwm isel yng Nghymru'n parhau i gael eu gwarchod rhag unrhyw gynnydd yn eu hatebolrwydd o ran y dreth gyngor, a bydd 220,000 ohonynt yn parhau i beidio â thalu unrhyw dreth gyngor o gwbl.
56. Ers mis Ebrill 2013, mae Cronfa Cymorth Dewisol Llywodraeth Cymru wedi cefnogi mwy na 1540,000 o wobrwyon i'r bobl mwyaf agored i niwed yng Nghymru, gyda dros £33 miliwn mewn grantiau.
57. Mae manteisio i'r eithaf ar fudd-daliadau i helpu'r bobl sy'n fwyaf agored i niwed i wneud cais am y budd-daliadau y maent yn gymwys i'w cael yn cael ei gefnogi drwy grant £5.97 miliwn Llywodraeth Cymru i ddarparu cyngor ar faterion lles cymdeithasol. Fel rhan o'r cyllid hwn, mae'r prosiect 'Cyngor Da, Byw'n Well' yn annog pobl i wneud cais am fudd-daliadau y dreth gyngor a thai, ochr yn ochr â hawliau budd-daliadau eraill, yn enwedig ymysg y grŵp hwnnw o bobl a grwpiau sy'n llai tebygol o wneud cais. Ers i'r prosiect ddechrau yn 2012 hyd at ddiwedd Medi 2017, mae prosiect BABL wedi helpu dros 103,400 o bobl gydag enillion o dros £111.4 miliwn wedi'u cadarnhau. Yn ystod hanner cyntaf y flwyddyn hon (Ebrill – 30 Medi 2017), bu i gyllid y Gwasanaethau Cynghori Rheng Flaen cyfrannu at sefydliadau gan ymateb i dros 29,713 o geisiadau am wybodaeth a chyngor, a sicrhau dros £7.9 miliwn o incwm.
58. Mae cyflwyno Credyd Cynhwysol yn achosi problemau arbennig i unigolion a theuluoedd gael cymorth ariannol ar gyfer eu costau tai, a'r hyn sy'n peri gofid yw mai'r rhai mwyaf bregus a difreintiedig sy'n cael eu heffeithio. Mae Gweinidogion Cymru wedi galw dro ar ôl tro ar Lywodraeth Prydain i oedi cyn cyflwyno'r rhaglen ac i gywiro'r namau sylfaenol o fewn y system. Gwnaeth Cyllideb yr Hydref 2017 rai newidiadau i gyflymu'r taliad cyntaf, fydd yn cael ei gyflwyno dros y misoedd nesaf, fodd bynnag, nid yw Llywodraeth Cymru yn teimlo bod hyn yn ddigon i helpu'r bobl hynny sydd â'r angen mwyaf.

**Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU
TYSTIOLAETH YSGRIFENEDIG – TLODI YNG NGHYMRU**

59. Mae'r Grŵp Uwch-swyddogion ar ddiwygio lles yn edrych ar yr hyn y gellid ei wneud ar draws llywodraeth i helpu i liniaru effeithiau gwaethf diwygiadau lles Llywodraeth Prydain.

1. By developing projects and programmes with people experiencing and living in poverty that improve their lives and show others how things can change
2. By raising public awareness of poverty to advocate and create pressure for change
3. By working with policymakers to tackle the causes of poverty.

For further information about Oxfam’s work, please see www.oxfam.org.uk

Oxfam Cymru welcomes the opportunity to provide evidence to the Equality, Local Government and Communities enquiry. Over the last decade, we have accrued a vast amount of experience in working with partners to help people raise themselves out of poverty and build sustainable livelihoods. We work at grassroots level and pan Wales levels and actively campaign at a UK level for real and positive change.

1. Background

1.1 An inclusive labour market delivering an economy that works for everyone would offer people and their communities across Wales the opportunity to participate in rewarding, well paid secure work that brings both social and economic benefits.

1.2 23% of people live in relative poverty in Wales, and it is becoming increasingly clear that to realise inclusive growth and sustain labour market productivity, improved employment for low income households are essential.

1.3 Oxfam’s latest research report, *Double Trouble*¹ is a review of the relationship between UK poverty and economic inequality, and establishes the relationship between income inequality and relative

income poverty, as poverty rates tend to be higher when income inequality is higher.

1.4 Low pay continues to be one of the significant factors contributing to these poverty levels. Nearly a quarter of people are paid less than the living wage as defined by the Living Wage Foundation² (the Living Wage Foundation rate is calculated annually based on the cost of living whereas the UK Government National Living Wage is the minimum pay rate for over 25s currently based on 55% of median earnings). Over 100 businesses accredited as living Wage employers³ (currently the Living Wage is £8.75 and £10.20 in London⁴).

1.5 In-work poverty is an increasingly worrying concern as labour market changes have led to shifting working practices; including an increase in zero contract hours and work that offers a lack of training routes.⁵ This impacts on women and BAME communities of people the most.⁶

Gender

1.6 Gender inequality is one of the oldest and most pervasive forms of inequality and shapes our economies, societies and communities. It denies women their voices, devalues their work and results in power imbalances between men and women.

1.7 Women are more likely to be in low-paid, insecure jobs than men, and the gender pay gap is still significant and stands at 14.8%⁷ in Wales. The gap between median, full-time, gross pay for men and women is £68.00 a week.⁸

1.8 Women tend to earn less to begin with and are more likely to be lone parents with care responsibilities. In the UK, the groups with highest poverty rates are lone parent families and families with three or more children. Continued funding cuts for public services that include social care and child care provision are a common way to reduce public spending, but ultimately requires women to provide

even more unpaid labour at home, which in turn constrains the ability for women to participate fully in the labour market.

1.9 Recent analysis published by the Social Mobility Commission⁹, reports that it is particularly difficult for women in their early twenties to escape low pay, with the lack of good-quality, flexible work to fit alongside caring responsibilities as the main barriers.

1.10 Oxfam Cymru welcomes the Welsh Government childcare commitment of providing 30 hours of childcare for two – three year olds for 48 weeks. However, we are concerned that provision currently only extends to working parents, and that women who are looking but are not currently in employment or training, will fall even further away from the labour market and their economic empowerment will not be realised if they are unable to access this provision.

1.11 80% of all part-time jobs in Wales are held by women¹⁰, and overwhelmingly they are in low-paid 5 C's occupations typically found in the Foundational Economy (catering, cleaning, clerical, cashiering (retail), and caring work) which also affects their pensions. Part-time workers are particularly vulnerable to poverty, with a poverty rate more than twice as high as full-time workers, and qualifications are far less effective in improving their pay prospects than for full-time workers.¹¹ Women in part-time employment represent more than 63% of all women earning less than the voluntary Living Wage.¹²

1.12 Oxfam Cymru welcomes the *Economic Action Plan* and the commitment of the Welsh Government to tackle reckless employment practices and promotion of the Living Wage through the *Code of Practice on Ethical Employment in Supply Chains* as part of the overall package of decent work.

1.13 Oxfam Cymru also welcomes the Fair Work Commission which must be ambitious in promoting work which meets those factors which we know women value from work.

1.14 Recommendation 1: Gender specific process and procedures are in place to ensure that economic policy is evaluated for its impact on

womens economic empowerment, ensuring gender is accurately reflected in statistical and data capture and analysis.

1.15 Recommendation 2: The Welsh Government sets a target for ending the Gender Pay Gap, and puts into place an action plan to reach it.

2. Skills, Training and Productivity

2.1 Oxfam Cymru welcomes the recognition within the *Economic Action Plan* of the link between skills and productivity and the commitment to investing in the labour market through its *Employability Delivery Plan*.

2.2 Recognising the social capital and value of the foundational economy is key to creating an inclusive economy, as the foundational economy provides employment to half a million people in Wales¹³. Women dominate the labour market in these sectors and to provide good quality employment and progression opportunities could help improve the pay and career prospects of many women in Wales, and also develop ways of improving the quality of part-time work.

2.3 Not being able to access training and progression opportunities is a significant factor in the gender pay gap, as women often remain stuck in low paid, lower skilled work. The economy needs to recognise the different skills, information and experience that women have and ensure they are treated with equal parity: so that women can build a career and benefit to a greater degree from economic growth than many currently do.

2.4 Achieving economic outcomes will require a revolution in support for these groups – away from ‘work first’ approach towards a ‘work in life’ approach which emphasises the many; away from services and activities towards building and nurturing communities and networks.

Oxfam Cymru: A Wales that Works for Women 2018

During 2017, Oxfam Cymru commissioned three distinct pieces of research with a central and specific focus on women at the lower end of the labour market on the changing nature and experience of work, and what makes decent work for Women in Wales.

1. Focus Groups

A series of participatory focus groups, where we asked people what they thought makes decent work for women in Wales. We wanted to hear the lived experiences and aspirations of low paid female workers in Wales and to know what their concerns, priorities and ambitions are, with a view to identifying potential barriers to enter the labour market and subsequent career progression. This report was produced by the Institute of Welsh Affairs.

2. Sector Analysis

An analysis of the domiciliary care and Food and Drink Sectors, two specific sectors of the economy that are traditionally dominated by women. The Food and Drink sector has the biggest risk of in-work poverty at nearly three times the average, with residential care at twice the national average. The research comprises sector analysis of the two sectors with supporting participatory interviews where we asked women employed in the care and food and drink sectors what decent work meant for them. This report was produced by Chwarae Teg.

3. Literature Review:

A review the existing literature, examining a selection of factors that it has been suggested drive the relationship between gender and inequality and the search for decent work for women in Wales. The research provided a detailed analysis of the position of women in the labour market in Wales. The report aims to identify the possible causes and barriers for women in the labour market and produces wide ranging policy solutions which should be

considered in the economic, social, cultural and environmental challenges that lie ahead. This report was produced by Dr Claire Evans at Cardiff Metropolitan University.

2.5 Oxfam Cymru would like to see the *Employability Delivery Plan* include detailed pathways that support and encourage the progression of women furthest from the labour market, as well as job entry to access the non-gendered 100,000 high level apprenticeships. It should be developed in partnership with the bodies at the local level, complimentary to the Regional framework provided by the *Economic Action Plan*, in order to reflect different labour market conditions across Wales and effectively reach into the communities.

2.6 If a positive approach to gender equality were to be adopted, additional indicators would help measure progress and could improve economic active participation rates of men and women. Given that apprenticeships in some sectors, especially STEM, have historically been dominated by men, then specific, positive action to tackle gender segregation is warranted.

2.7 Recommendation 3: The Welsh Government continues to work with employers and sector organisations to address gender inequality through improving progression and flexibility in employment and careers advice.

2.8 Recommendation 4: The Welsh Government sets out a common approach to identifying the needs of the individual as part of its approach to employability. Identifying those with employment support needs at the earliest possible stage and making the referral process more seamless and less daunting; provide tailored, community outreach for those who face multiple barriers to work: use the Valleys as a test bed for a place based approach to enhancing employability.

2.9 Recommendation 5: The Welsh Government develops specific proposals to remove barriers which exist for women and girls accessing the 100,000 higher level apprenticeship identified by the

Welsh government in its *Economic Action Plan*. Ensure that gender division within apprenticeships is reduced, by providing flexible or part-time opportunities supported by childcare. If these methods are not successful, quotas for apprenticeships should be considered in sectors where women are underrepresented to address this under-representation.

- ¹ Oxfam, Double Trouble, November 2017 <https://policy-practice.oxfam.org.uk/publications/double-trouble-a-review-of-the-relationship-between-uk-poverty-and-economic-ine-620373> ² Oxfam Cymru, Even it up: A Blueprint for Change, January 2016 <https://policypractice.oxfam.org.uk/publications/even-it-up-a-blueprint-for-change-593008>
- ³ Cynnal Cymru, accessed 11/01/2018 <https://www.livingwage.org.uk/accredited-living-wage-employers> ⁴ Living Wage Commission, accessed 11/01/2018 <https://www.livingwage.org.uk/accredited-living-wageemployers>
- ⁵ PPIW, Harnessing Growth Sectors for Poverty Reduction (January 2016) <http://ppiwi.org.uk/files/2016/10/PPIW-Report-ESRC-Evidence-Review-Paper-Progression.pdf>
- ⁶ JRF, Breaking the links between Poverty and Ethnicity in Wales, (February 2016) <https://www.jrf.org.uk/report/breaking-links-between-poverty-and-ethnicity-wales>
- ⁷ ONS Annual Survey of Hours and Earnings (October 2017) <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/annualsurveyofhoursandearningsasgenderpaygaptables>
- ⁸ Stats Wales, Gender Pay difference (October 2017) <https://statswales.gov.wales/Catalogue/BusinessEconomy-and-Labour-Market/People-and-Work/Earnings/genderpaydifferenceinwales-by-year>
- ⁹ Social Mobility Commission, State of the Nation (November 2017) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662744/State_of_the_Nation_2017_-_Social_Mobility_in_Great_Britain.pdf

¹⁰ Chwarae Teg, Poverty in Wales accessed 11/01/2018

<https://www.cteg.org.uk/tackling-poverty-in-wales/>

¹¹ JRF, UK Poverty (December 2017) [https://www.jrf.org.uk/report/uk-](https://www.jrf.org.uk/report/uk-poverty-)
[poverty-](https://www.jrf.org.uk/report/uk-poverty-)

[2017?utm_content=bufferd4be1&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer](https://www.jrf.org.uk/report/uk-poverty-2017?utm_content=bufferd4be1&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)

¹² ONS, Low Pay in the UK (April 2016)

[https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earnin](https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/lowpay/apr2016#low-pay-by-region)
[gsandworkinghours/bulletins/lowpay/apr2016#low-pay-by-region](https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/lowpay/apr2016#low-pay-by-region)

¹³ Bevan Foundation, (2017)

[https://www.bevanfoundation.org/commentary/wales_foundational_econo](https://www.bevanfoundation.org/commentary/wales_foundational_economy/)
[my/](https://www.bevanfoundation.org/commentary/wales_foundational_economy/)

Dear Mr Griffiths,

EQUALITY, LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE (NATIONAL ASSEMBLY FOR WALES)

Inquiry into making the economy work for people on low incomes

Ymateb gan Gymdeithas Contractwyr Peirianeg Sifil Cymru / Evidence from the Civil Engineering Contractors Association (CECA) Wales

Thank you for the opportunity to provide further evidence to the Equality, Local Government and Communities Committee on your Inquiry into making the economy work for people on low incomes following the Cabinet Secretary's launch of the Welsh Government's Economic Action Plan.

On 21st September 2017 I provided evidence to your committee in my role as Director of the Civil Engineering Contractors Association (CECA) Wales. Much of that evidence was based on :

1. opportunities to improve economic wellbeing for those on low incomes by increasing social value through the public procurement process;
2. streamlining the procurement process and making it more accessible to Welsh SMEs
3. how the Wellbeing of Future Generations Act could support those on low incomes - but only if we are willing to significantly transform our approach to procurement.

I still feel that, if we are prepared to be bold and drive through a cultural change in the way public and private sectors work together in Wales on infrastructure matters, we have an opportunity to significantly increase the social value that can be delivered through investment in infrastructure and construction in its broader sense. It is by doing this that we can help to ensure that all of our people benefit from investment in infrastructure and especially those on low incomes. The Economic Action Plan launched by the Cabinet Secretary and, more specifically, the call for an Economic Contract between public, private and Third sectors, offers an opportunity to take this forward but the words need to be converted into action, and quickly, otherwise the good intent will fall into disrepute.

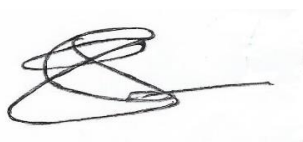
I will not reiterate the points I raised in my previous submission but I have attached an article (<http://bit.ly/2j53Wmg>) which I prepared for the Bevan Foundation and which was published in the Winter edition of their Exchange newsletter which offers a model for increasing social value through investment in infrastructure. Essentially, it involves transforming the "community benefits" agenda into one which is strategic and public sector led, delivering social value requirements at a programme/regional level over a long term, rather than the current local, contract-specific, short term and supplier led approach. This approach will need support structures and mechanisms to be established by the public sector at a regional level so that successful private

and third sector suppliers for individual contracts (or frameworks) can utilise these arrangements as and when they successfully “win” contracts. This will allow them to employ more people on low incomes as a direct output from the contract, to develop people through training and upskilling as part of the contract and to engage directly with learners at schools and colleges to support and offer them direct “bridges” into the workplace. The current proposals for City/Growth Deals and the regional proposals for local authorities offer an opportunity to establish these support structures on a regional basis using the combined resources of the public sector. I would hope that the Welsh Government’s call for an Economic Contract between public, private and Third sectors would complement this approach and give it added impetus. It offers an opportunity to turn the words in the Plan into meaningful actions which would benefit those on low incomes and their communities.

As an organisation which represents 60 of Wales’ largest and smallest civil engineering contracting businesses we see, on a day to day basis, the positive impacts that investment in infrastructure can bring for our communities. With a cumulative annual turnover in excess of £1bn and employing over 6,000 people directly, as well as many others through extended supply chains, these businesses play a huge part in supporting communities across Wales and they make a significant contribution to the economic prosperity of our nation. They are also major providers of training and apprenticeship opportunities and so are well placed to support those on low incomes to improve their life opportunities and wellbeing. But they need greater support, via meaningful collaborative relationships, from the public sector. This could be delivered through an Economic Contract!

I trust that these views and observations are helpful to you and your Committee but please contact me should you wish to discuss these matters in greater detail.

Yours sincerely



Ed Evans
Director, CECA Wales/Cymru

Introduction

- 1.1 Citizens Advice Cymru welcomes the opportunity to provide further written evidence to the Equalities, Local Government and Communities Committee to help inform its latest poverty inquiry looking at ‘Making the economy work for people on low incomes’.

This update is in addition to our original written and oral evidence submissions to the Committee last summer. It highlights some of our more recent evidence and concerns around the rollout of Universal Credit (UC), particularly in relation to how Universal Credit is working for those in work and our evidence to date on Universal Support.

We recognise that policy linked to Universal Credit is a reserved matter. However, as this benefit will form such a key element of the future income of many low income families in Wales we believe the Committee should be made aware of Citizens Advice’s latest evidence and concerns. There is also a need to fully consider the implications of UC rollout on Welsh Government policy and programmes.

- 1.2 By 2022 Citizens Advice analysis¹ shows **over 400,000 households in Wales** (31% of all households) will be receiving Universal Credit, around half of whom will be in work. Citizens Advice has unparalleled evidence on the roll-out of Universal Credit:

¹ Based on national patterns of benefit claims from Family Resources Survey 2014-15 and constituency level administrative data from the DWP and HMRC (August 2015).

- During 2017 our advisers across England and Wales have supported **more than 49,000 people** with **nearly 94,000 Universal Credit issues**.
- We've had **over 800,000 visits** to our UC web pages in the last 6 months.
- We are seeing the equivalent of **1 in 10** new Universal Credit claimants every month.

1.3 In Wales, between April 2017 (when UC full service started to be implemented in Wales) and the end of December 2017, local Citizens Advice offices have helped **more than 1,900 people** with **nearly 3,500 UC issues**. Our local offices are reporting quarter by quarter increases in people seeking our support.

1.4 Citizens Advice supports the principles and aims of Universal Credit - to simplify the benefits system and improve work incentives. We are closely monitoring the rollout of the new benefit and its impact on people we help. We have published two reports and welcomed the steps taken by the Chancellor in the Autumn Budget 2017 towards fixing the problems we have identified. We continue to share our evidence and raise issues as they arise. Alongside our general UC monitoring, we are undertaking research on the impact on working households and on disabled people and those with health conditions. We are looking to publish our findings in these areas shortly.

The majority of this submission is an abridged version of our latest submission to the Work and Pensions Select Committee's current Universal Credit inquiry (which is due to be submitted on 16 January).

The role of welfare benefits

Universal Credit and work - self employment

2.1 There are around 201,000 self employed people in Wales. The self employment rate (14% of the working population) is slightly lower than the UK average (15%)². Citizens Advice analysis shows median earnings for self-employed people lag significantly behind earnings for employees³. This means a significant proportion of the self-employed workforce are potentially eligible for in-work benefits, and will be looking to Universal Credit (UC) for support.

² Status of employed persons by Welsh local authority and measure (year ending 30 June 2017), StatsWales.

³Who are the Self-Employed, Citizens Advice & New Policy Institute, 2015 (Figures taken from the Families Resources Survey 2013-14)

- 2.2 Universal Credit brings with it some fundamental changes for self-employed people compared to the legacy benefit system, including changes to how income is assessed and reported. UC is assessed monthly whereas tax credits are annual. This approach reduces the likelihood of overpayments. However it does mean that UC tends to work best for people in the most 'traditional' models of work: who are directly employed, working a fixed number of hours each week, and paid once each calendar month.
- Self-employed people are more likely to have variable, non-monthly and irregular incomes. For some people Universal Credit will help to smooth monthly income fluctuations but for others it can make their income far less stable.**

Citizens Advice are already seeing evidence of this. We are continuing to monitor this issue, including undertaking research on the challenges faced by people with non-traditional working patterns and incomes.

- 2.3 Under UC a number of new rules are also set to intensify the level of scrutiny on self employed people. These include the introduction of the 'gainful self-employment' test, minimum income floor and surplus earnings rules. These rules are in addition to other policies introduced in UC such as the claimant commitment and in work conditionality. The new rules for self employed people are intended to incentivise progression and make sure that people on Universal Credit are running genuine and viable businesses. These rules will penalise unviable businesses but also carry the risk of affecting self-employed people in viable businesses and choking off new businesses before they have had the time to become viable.

Further details can be found in the Citizens Advice response to the Work and Pensions Select Committee which will be forwarded to the Committee once submitted.

- 2.4 **We are currently calling on the UK Government to test and assess the variety of rules for self-employed people on UC** in order to understand how best to tackle fraud and avoid unintended labour market consequences.

Citizens Advice believe that self-employed people should be able to access an equivalent level of support to their employed counterparts.

Universal Credit and work - work incentives

- 3.1 At its launch UC had ambitions to significantly improve work incentives. Since then, a series of significant cuts to the benefit have reduced the financial awards available and weakened work incentives.

Reducing the taper rate in UC and increasing work allowances are two methods that would help improve work incentives. Both let people keep more of their money as hours and earnings increase.

- 3.2 Lowering taper rates improves marginal returns to work but we believe there needs to be substantial change for most families to feel a significant impact in their budgets and work incentives. Increased work allowances extend how many hours people can work with no penalty in their benefit entitlement. This is a more targeted approach as work allowances are set at different rates (including £0) for different groups of benefit claimants. It can provide significant improvements in financial work incentives for those currently working the fewest hours.
- 3.3 To help the people most affected by poor work incentives, **Citizens Advice is calling on the UK Government to invest in work allowances.** Alternatively, to make small improvements for all claimants, the taper rate could be reduced.

Universal Support

- 4.1 The way UC is claimed, paid and managed will mean major adjustments for many people. Universal Support should be providing this assistance and helping people adapt. Citizens Advice is concerned that **currently support is not being delivered consistently and at a high enough standard in different areas.**
- 4.2 At the end of November 2017 Citizens Advice Cymru held a roundtable event to discuss Universal Support in Wales. The aim being to bring together representatives from key organisations⁴ and look at how we can work together to provide the most effective support for UC claimants in Wales.

A summary report detailing the outcome of these discussions is currently being prepared and can be shared with the Committee if this would be helpful. Key issues raised by participants included the need for:

- more preparatory work and awareness raising ahead of further UC rollout in Wales to ensure all supporting organisations and employers, large and small, have access to correct information about UC and what it may mean for their clients/employees
- better use of existing systems (including the legacy benefit system) to identify support needs

⁴ This included representatives from Welsh Government, WLGA, Money Advice Service, Citizens Advice regional UC intelligence hubs in Wales, and a number of other third sector organisations.

- a more comprehensive support package, with tailored and targeted support for particular groups (eg. lone parents; those in work; disabled people; people for whom English is a second language and those with more chaotic lifestyles)
- ensuring organisations delivering support have the resources to manage demand at the time it's needed
- improved intelligence gathering to assess what's working and what's not working in relation to support provision
- greater consideration of how UC implementation, and any support linked to this, fits with particular programmes or policy specific to Wales. This includes the Welsh Government's free childcare offer; the Council Tax Reduction Scheme; passported benefits (including free school meals), and programmes delivered by the Welsh Government and others to upskill and support people into work.

4.3 During our roundtable discussions there was overall agreement that **more needs to be done strategically across Wales to plan and coordinate Universal Support**, including an agreement on what true 'joined up' support looks like. There was also a widely held belief that the **Welsh Government could and should be doing more in this regard**. It was suggested this should be linked to work being undertaken on the future funding of advice in Wales.

4.4 At the UK level **Citizens Advice is calling on the UK Government to ensure people have access to a minimum standard of support to help them adapt to Universal Credit, which is published**.

This should, at a minimum, include

- a) Ensuring all UC claimants are made aware of, and can access budgeting support and digital support which is appropriate to their needs;
- b) Expanding the scope to include help to make and complete a claim with support available to help people manage their finances whilst waiting for their first payment
- c) Making funding available for free impartial debt advice to meet existing increases in demand as a result of Universal Credit.



Citizens Advice response to Work and Pensions Committee inquiry into Universal Credit rollout

About Citizens Advice

Citizens Advice provides free, confidential and independent advice to help people overcome their problems.

In 2017 we helped 2.6 million people face to face, by phone, email or webchat. We provide support in over 2,000 locations in England and Wales and people visited our online advice pages 42 million times.

Overview

Citizens Advice supports the aims and principles of Universal Credit - to simplify the benefit system and improve work incentives. We are closely monitoring the rollout of the new benefit and its impact on people we help.

We have unparalleled evidence on the roll-out of Universal Credit:

- Citizens Advice has helped people with over 100,000 Universal Credit issues since it was introduced.
- In 2017 our advisers supported 49,000 people with 94,000 Universal Credit issues.
- We've had over 1.3 million visits to our UC web pages in the last 6 months.
- We are seeing the equivalent of 1 in 10 new Universal Credit claimants every month.

We have published two reports and made previous submissions on UC to the Work and Pensions Select Committee. We welcomed the steps taken by the Chancellor in the Autumn Budget 2017 towards fixing the problems we have identified. We continue to share our evidence and raise issues as they arise.

Alongside our general UC monitoring, we are undertaking research on the impact on working households and on disabled people and those with health conditions. We are looking to publish our findings in these areas shortly.

1. Self Employment

- What effect has UC had on self-employed people?

Self-employment has grown dramatically over recent years. 4.8 million people are now self-employed - a million more than a decade ago¹. This expansion in self-employment has helped push overall employment to record levels. 15% of all people in work are now self-employed². However, median earnings for self-employed people lag significantly behind earnings for employees³. Part-time self-employment has seen the biggest expansion. This means a significant proportion of the self-employed workforce are potentially eligible for in-work benefits, and will be looking to Universal Credit for support.

Universal Credit brings with it some fundamental changes for self-employed people. Monthly reporting and assessment of incomes places new burdens on them. The design of monthly assessments in Universal Credit means those with irregular earnings can struggle to achieve financial stability. There is also set to be increased scrutiny through the introduction of the 'gainful self-employment' test, minimum income floor and surplus earnings rules. These rules are intended to incentivise progression, root out unviable businesses and minimise manipulation of earnings. However, they carry the risk of penalising a significant number of self-employed people financially, and impeding the development of new or innovative businesses.

It is difficult to strike the right balance between ensuring people are supported appropriately and guarding against fraud. **The government should test its new rules and ensure they are assessed for their impact on self-employed people and their businesses.** Citizens Advice is undertaking research on how self-employed people will be affected, and will continue to monitor the impact on the people we help.

How Universal Credit treats variable and irregular incomes

Universal Credit makes changes to how income is assessed and reported. The benefit is assessed monthly whereas tax credits are assessed annually. This approach was intended to improve on tax credits by reducing the likelihood of overpayments when earnings change. However it does mean that UC tends to work best for people in the most 'traditional' models of work: who are directly employed, working a fixed number of hours each week, and paid once each calendar month. Yet we also know this group are declining in the wider labour market. Variable, non-monthly and irregular incomes are becoming more widespread as self-employment and other non-traditional working patterns grow. **For some people Universal Credit will help to smooth monthly income fluctuations but for others it can make their income far less stable.**

¹ ONS, December 2017, [EMP01 SA](#),

² ONS, December 2017, [UK Labour Market](#)

³ Citizens Advice, 2015, Who are the Self-Employed?

Annual assessments meant that working people receiving tax credits had a predictable benefit income over the course of a year, even if their earnings fluctuated. Monthly assessments mean that people who experience a change in pay from one calendar month to the next, will also experience fluctuations in their benefit payments. Whether this helps smooth income or increases income fluctuations is largely down to *timing* of earnings relative to assessment periods and UC payments. Ideally, a wage payment date should be a few days *before* the end of a UC assessment period, meaning the UC payment is effectively topping up that month's wages. However, if the wage payment date falls a few days *after* the end of the assessment period, then UC is likely to exacerbate changes in income. In this scenario, low wages can sometimes follow a few days after a low UC payment, drastically reducing monthly income.

While the timing of assessment periods relative to wage payments can be crucial for people with fluctuating incomes, it is also set entirely arbitrarily. Under current arrangements, UC assessment periods are set on the basis of the day someone submitted their UC claim - meaning the extent to which UC helps to smooth or exacerbates income fluctuations is largely down to luck.

We are already seeing people struggling to budget as a result. Citizens Advice is monitoring this issue and undertaking research on the challenges faced by people with non-traditional working patterns and incomes.

Case study: Fluctuating income exacerbated by Universal Credit

John's hours vary greatly. In December he worked more due to Christmas but he has almost no work for January. After his income rose temporarily during December John received no Universal Credit payment on his scheduled payment date of 10th January. Without a Universal Credit payment and with very little earnings in January, he and his family had been experiencing financial hardship. His next Universal Credit payment was due on 10th February. He visited his local Citizens Advice as he was struggling to pay the bills, and had built up rent arrears.

New rules for self-employed people

Universal Credit brings with it a number of new rules. It intensifies the level of scrutiny on self-employed people through the 'gainful self-employment' test, minimum income floor and surplus earnings rules. These rules are in addition to other policies introduced in Universal Credit like the claimant commitment and in work conditionality. The new rules for self-employed people are intended to incentivise progression and make sure that people on Universal Credit are running genuine and viable businesses. The intention is to identify and encourage people in non-viable businesses to seek work in the regular labour market. However, these approaches are currently untested. They carry the risk of affecting self-employed people in viable businesses and also choking off new businesses before they have had the time to become viable (we discuss the specific

impacts in more detail below). **The government should test and assess a variety of rules for self-employed people** in order to understand how best to tackle fraud and avoid unintended labour market consequences. DWP should ensure that self-employed people are able to access an equivalent level of support to their employed counterparts.

Gainful Self-Employment

- How should “gainful self-employment” be defined under UC?

Self-employed people now need to demonstrate to a Jobcentre assessor that they are ‘gainfully self-employed’. They go through an initial interview at Jobcentre Plus and must provide evidence that demonstrates that their work is regular and organised, that it is their main job and that they expect to make a profit. If the Jobcentre assessor decides they are not gainfully self-employed they are required to begin job search.

The principles and measures underlying this test are reasonable, but it is important that it is set at the right level and flexible enough to accommodate the diversity in the self-employed population - the time taken to demonstrate gainful self-employment may be different for someone starting an entirely new venture versus someone in a more established area, such as taxi-driving, for example. If the bar for “gainful self-employment” is set too high or too rigidly it could deter self-employed people with viable business ideas who would genuinely benefit from support.

Another challenge is administering and delivering this test. It has already been introduced to tax credits and we see cases where it is misapplied or not completed thoroughly. For example, in practice, decision makers sometimes rely solely on earnings in a year, without considering wider issues and context. Supporting people in employment is new territory for work coaches and self-employed people in particular can have very varied needs and working patterns. This makes it potentially difficult to determine whether a business is viable. Previous Citizens Advice research has found that there is huge diversity in the self-employed population and the progression of their businesses.⁴ Assessing the potential of a business and determining a reasonable timescale for it to reach maturity is not an exact science and judgments like these require a significant amount of experience and expertise. **Without sufficient training and resource for the Jobcentre, there is a risk that the new rules under UC could be applied inconsistently and unfairly.**

Minimum Income Floor

- How can the Department best balance protecting public funds with supporting self-employed people in UC? Does the Minimum Income Floor (MIF) achieve this balance?
- Is the existing Start-up Period for newly self-employed UC claimants appropriate? If not, what changes should be made and how much would these cost?

⁴ Citizens Advice, 2015, Going Solo; Citizens Advice, 2015, Who are the self-employed?

- What are the options for reforming the MIF, and what are their cost implications?

The Minimum Income Floor (MIF) is the biggest change for self-employed people receiving in-work benefits. Like the 'gainful self-employment' test, the MIF is intended to tackle fraud and make sure Universal Credit does not support businesses that are unviable.

The MIF assumes that, after the first twelve months of trading, a self-employed person will be earning a certain amount. For people without health conditions or caring responsibilities this is the equivalent of National Living Wage at full-time hours. Even if they are not earning this amount, their benefit entitlement is calculated on the basis that they are, meaning those who fall below lose out on much needed financial support. **This means that self-employed people can find themselves at a significant financial disadvantage compared to employees.**

The MIF will penalise people running potentially non-viable businesses, leaving them with a choice of changing businesses or moving into employment to increase their household income. However, it will also affect self-employed people in viable businesses with fluctuating, irregular or seasonal incomes. Following months in which a self-employed person receives high earnings they will see their Universal Credit reduced, in line with employees. But, unlike employees, in months when their income falls below the MIF threshold they will see their Universal Credit capped. This puts them at a significant disadvantage when compared to somebody earning an identical annual income evenly over 12 regular monthly payments.

Case study: Minimum Income Floor penalises viable business

Sophie is a self-employed cleaner. She applied for Universal Credit to help her manage time out of work as she was due to undergo major foot surgery. She normally earns around £800 per month when she is able to work. She has a steady client base waiting for her when she returns to work. Following her application she attended the Jobcentre and was told that when she is unable to work she would receive Universal Credit that should cover 85% of her rent and leave some money to live on. She next visited the Jobcentre to undergo a 'gainful self-employment' test. At this interview she was informed she would be subject to the Minimum Income Floor and her Universal Credit would only be £62 per month in total.

The MIF means that Universal Credit policy for self-employed people is focused on combating fraud or unviable businesses but it is a policy which carries significant risks. It could cut businesses off before they have had time to mature, discourage people from trying innovative business ideas and push people with fluctuating incomes away from self-employment even if their total annual income clears the MIF. It is important that this policy is tested to understand whether it is effective at preventing fraud, and how it

impacts new businesses. The MIF is applied at 12 months but research by the RSA has calculated that a business takes an average of 3 years before its owner begins to earn the National Minimum Wage.⁵ **The government should extend the MIF exception period for businesses that need more time to reach viability.**

As more self-employed people cross into the second year of their UC claim, Citizens Advice will be monitoring the impact of the MIF. **The government should test the impact of the MIF alongside and against other measures such as the business viability test and trials of in-work conditionality.** The MIF should be kept under review as it rolls out and different approaches - such as averaging functions rather than crude monthly measures - should be tested and piloted.

- Are any groups of self-employed people particularly likely to be affected by the MIF?

The Minimum Income Floor will affect people running non-viable businesses, as intended. However, its effects will also be felt by a wider group of self-employed people.

The MIF is particularly likely to affect people with irregular incomes. When irregular and unpredictable incomes interact with the MIF, the *total amount of financial support* that a self-employed person is entitled to under UC is significantly reduced. We are currently looking into the impact of this.

The MIF also carries risks for people whose self-employed earnings are low due to caring responsibilities and those who struggle to enter mainstream employment due to health conditions. The MIF is set equivalent to the hours requirements for in-work conditionality. If somebody is only required to seek 16 hours of work because they have caring responsibilities, the MIF should be calculated as NLW at 16 hours. It is crucial that this happens in practice. Otherwise, the MIF will particularly penalise these groups. The role of the workcoach is key in UC as their judgement and discretion will be used to determine a person's availability for work.

Surplus Earnings Rule

- To what extent will UC Surplus Earnings Rules offset the impact of the MIF?

The Surplus Earnings Rule is another attempt to protect against fraud, specifically the idea that people may 'manipulate' their income - for example by declaring large amounts of income in a single month and then reporting very low wages for several months afterwards - to maximise their UC payments. It is due to come into effect in April 2018.

UC aims to simplify the benefits system but the Surplus Earnings Rule is complex and together with the MIF will add further complexity. **The government should investigate**

⁵ RSA, 2011, [Boosting the living standards of the self-employed](#)

how well these rules will be understood, how they might interact, and whether they are achieving the right balance between preventing fraud and achieving the aims of Universal Credit.

The new rule will mean that if someone's UC award ends because their income increases, that income will be used to calculate their 'surplus earnings' for that month. This is set at the amount of income which exceeds the maximum permitted for a UC payment, plus £300. If the person then needs to reclaim UC in the following five months, their surplus earnings will be counted as income and will be used to calculate their new payments (often meaning a nil or very small UC payment) until the surplus earnings are used up. Self-employed people can also carry forward a loss in any of the previous 11 months and apply it to their assessment period. However, losses can only reduce assessed income down to the Minimum Income Floor in the relevant month. **This interaction between the Surplus Earnings Rule and the MIF means some self-employed people could benefit from some loss relief but many others are likely to be left significantly worse off.**

In practice, some self-employed people will build up 'surplus earnings' in months where they have higher earnings, and see these earnings added to lower earning months alongside the MIF. This could have significant financial consequences for seasonal businesses or those with irregular incomes.

The Low Income Tax Reform Group demonstrates this with the following illustration:

"In April, Henry has a profit of £7,000. Between May and September his profit is nil. Under the current rules, Henry will receive no universal credit in April and in May to September his universal credit will have the MIF applied. Under the new surplus earnings rules from April 2018, his 'surplus earnings' from April will be carried forward and used as income in May, June, July and August, potentially reducing his Universal Credit award even further."

Self-employed claimants of Universal Credit – lifting the burdens
Low Income Tax Reform Group⁶

The Surplus Earnings Rule also makes some significant assumptions about how businesses plan their finances. It is being introduced due to concerns about manipulation of income following the move to monthly reporting. However, the Surplus Earnings Rule pushes businesses towards monthly budgeting systems, even if they have legitimate business reasons for budgeting on an annual basis. For example those in the wedding industry may make the majority of their annual income during a few months of the year. Monthly budgeting in the way assumed by the Surplus Earnings Rule may

⁶ Low Income Tax Reform Group, 2017, [Self-employed claimants of universal credit – lifting the burdens](#)

prove difficult for these businesses and take them away from the most appropriate budgeting approach.

Recommendations

- Different versions and combinations of the 'gainful self-employment' test, minimum income floor and surplus earnings rules should be developed and tested. The government should measure the impact on fraud, development of businesses, and the extent to which genuine and viable businesses are unintentionally affected.
- The government should investigate how well these new and complex rules are understood, and whether they are achieving the right balance between preventing fraud and achieving the aims of Universal Credit.
- The Government should introduce specialised training on supporting self-employed people for Work Coaches. Jobcentres will need to engage far more with self-employed people including in deciding whether or not their business is viable. They will require additional training and input from specialists to make such decisions.
- The MIF exception period should be extended beyond 12 months for businesses that need more time to reach viability.

2. Free school Meals and passported benefits

- How should eligibility for Free School Meals in UC be determined?
- How can eligibility criteria for passported benefits balance UC work incentives with achieving value for money? Is this balance currently being achieved?
- Are current eligibility criteria for other passported benefits (eg. help with health costs and the Healthy Start Scheme) appropriate? If not, how should they be reformed?

Universal Credit aims to simplify the benefits system and make every hour of work pay. When designing eligibility criteria for passported benefits, such as Free School Meals, it is important to consider the impact on these aims.

Eligibility criteria for passported benefits create complexity in Universal Credit. People need to be able to predict their eligibility for the passported benefit from month to month and if they increase their hours or earnings. This relies on clear, accessible information and reliable administration of Universal Credit and the passported benefit.

Work incentives may suffer as the eligibility threshold becomes a 'cliff edge' for families. For example, if the free school meal threshold is set at £617 per month, families will lose access to this passported benefit on months that they earn more. It could take several additional hours worth of pay to get back to the equivalent household income as before being affected by a cliff edge for free school meal eligibility. This could have serious implications for a monthly family budget and discourage people from increasing their earnings. **The government should test the impact of earnings thresholds for**

passported benefits. It should look at how multiple thresholds for different passported benefits would interact and how this would affect real world work incentives.

Another difficulty arises from the impact of *monthly* income assessments. Families with fluctuating or unpredictable incomes, or even those with non-monthly pay schedules, could move above the threshold for eligibility to passported benefits on some months. This makes it difficult to plan monthly budgets and could discourage people from increasing their earnings. **The government should consider how it measures earnings for assessing eligibility to passported benefits. It should ensure people are not penalised for irregular or non-monthly incomes.** If eligibility changes monthly, administration and delivery of passported benefits will prove more difficult.

Recommendations

- Universal Credit and passported benefits need to be administered reliably and accurately. People should be provided with clear accessible information about their claims. This should include guidance on how changes in earnings and hours will affect their passported benefits as well as their Universal Credit.
- The government should assess how work incentives are affected by earnings thresholds for passported benefits such as Free School Meals. It should consider how multiple thresholds for different passported benefits would interact and the impact this has on real world work incentives.
- The government should consider how it measures income for assessing eligibility to passported benefits. It should consider assessment methods that ensure people are not penalised for irregular or non-monthly incomes.

3. Work incentives

- What would be the impact of adjusting a) the taper rate or b) UC work allowances on employment incentives in UC? Which option for reform would be most cost-effective?
- Should UC have different taper rates and/or work allowances for different claimant groups?
- How can the Department help UC claimants better understand the impact on their incomes of moving into work or taking on more hours?

At its launch Universal Credit had ambitions to significantly improve work incentives. Since then, a series of significant cuts to the benefit have reduced the financial awards available and weakened work incentives. The biggest change has been cuts to work allowances which are estimated to cut £5 billion per year from Universal Credit when it is fully rolled out⁷. Reducing the taper rate in Universal Credit and increasing work allowances are two methods that would help improve work incentives. Both let people keep more of their money as hours and earnings increase. However, **work allowances are more targeted than taper rate reductions and have the biggest real world impacts for people in terms of increasing their hours or earnings.**

Lowering taper rates - the proportion of benefit withdrawn for each pound of income

⁷ IFS, 2016, Green Budget <https://www.ifs.org.uk/uploads/gb/gb2016/gb2016ch10.pdf>

earned above the work allowance - improves marginal returns to work, but there needs to be substantial change for most families to feel a significant impact in their budgets and work incentives. Increased work allowances extend how much people can earn with no penalty in their benefit entitlement. This is a more targeted approach as work allowances are set at different rates (including £0) for different groups of benefit claimants. It can provide significant improvements in financial work incentives for those currently working the fewest hours. **To help the people most affected by poor work incentives, the government should invest in work allowances.** Alternatively, to make small improvements for all claimants, the taper rate could be reduced.

The introduction of a greater variety of taper rates and work allowances could lead to a more personalised benefit system. **Targeted and personalised work allowances or tapers could increase work incentives for specific households** who face greater barriers and costs to entering work. With the aim of simplifying the benefit system the government has instead simplified tapers and work allowances to reduce variation. It is not clear that this simplicity has meant people have a better understanding of their work incentives. People still struggle to understand how their benefit award is calculated and how it will be affected by changes in hours or earnings. In a DWP-commissioned survey of families claiming UC, knowledge of the work allowance and taper were found to be limited. Only one in six (17 per cent)⁸ had heard of the work allowance as part of their UC claim. Separate research⁹ commissioned by DWP found 'a widespread perception among families that they would be worse off on UC if they entered work'.

Work incentives need to be invested in and will only be maximised if the Department can develop or support the provision of **personalised tools which help people calculate their benefits and their total income as they increase their earnings** to see a strong financial incentive from work or more work.

Recommendations

- To help the people most affected by poor work incentives, the government should invest in work allowances. Alternatively, to make small improvements for all claimants, the taper rate could be reduced.
- The government should develop or support the provision of personalised tools which help people calculate their Universal Credit, passported benefits, and their total income as they increase their earnings.

⁸ DWP, 2017, Universal Credit Test and Learn Evaluation: Families. Findings from survey Wave 2 (Mar-Sep 2016). This was not significantly different from the proportion (14%) at Wave 1 (Dec 2015 - Jun 2016).

⁹ DWP, 2017, Understanding how Universal Credit influences employment behaviour.

4. Universal support

- How important is Universal Support to the success of UC?
- Is Universal Support working well, and how could it be improved?
- Are there local variations in the quality of Universal Support? If so, how should these be addressed?

Universal Credit brings together six existing benefits. By 2022, more than 7 million households will be receiving the new benefit¹⁰. In order for it to be a success, Universal Credit needs to work for millions of people in different circumstances and with varying needs. It needs to be administered reliably and people need to be able to manage their claims, with support where necessary.

Our evidence shows that people are struggling with various aspects of Universal Credit. It is crucial that people who need it are supported to make and manage their claims online, and to adapt to budgeting a single monthly payment. Universal Support should be providing this assistance and helping people adapt. We are concerned that support is not being delivered consistently and at a high enough standard in different areas. We have been monitoring Universal Support through our network of local offices. Our early insight shows that many local Citizens Advice offices are not confident that support services in their area will meet local need and demand among UC full service claimants. The evidence also suggests that, where services are funded by the Local Authority or Jobcentre, poor or complex referral systems mean that claimants are not accessing the support they need.

Finally, the evidence suggests that the scope of Universal Support is not currently adequate for the support needs people have when claiming Universal Credit. As structured it provides support to adapt to Universal Credit but not to get on to this benefit. For example, we see people who need help with making and completing UC claims, including understanding evidence requirements.

We are continuing to monitor Universal Support across England and Wales.

Recommendations

- The government should ensure people have access to a minimum, consistent standard of support to help them adapt to Universal Credit, which is published. This should, at a minimum, include
 - a) Ensuring all UC claimants are made aware of, and can access budgeting support and digital support which is appropriate to their needs and;
 - b) Expanding the scope to include help to make and complete a claim with support available to help people manage their finances whilst waiting for their first payment
 - c) Making funding available for free impartial debt advice to meet existing increases in demand as a result of Universal Credit.

¹⁰ Citizens Advice, 2017, Fixing Universal Credit

5. Childcare support

- Are UC systems for reporting childcare costs easy for claimants to use? How might they be improved?

Families on Universal Credit are asked to pay upfront for childcare and use receipts to claim costs back. This is a method to prevent fraud but the evidence requirements have proved challenging for some people. We have seen many UC claimants struggling to source and provide the required evidence. This has led to some people facing financial difficulty while they collect the evidence and then provide physical copies.

In July, Citizens Advice called for the introduction of online submission of childcare evidence. We are pleased Universal Claimants in full service areas can now submit photographic evidence electronically and will be monitoring the impact of this on our clients.

Recommendations

- In the long-term the government should look to simplify administration further and create one portal for childcare evidence, covering UC systems, tax free childcare and free childcare hours.

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)–03–18 Papur 1d / Paper 1d

1. Thank you for the opportunity to submit additional evidence to the Committee’s inquiry.
2. The Welsh Government’s Economic Action Plan outlines some promising strategies to reduce inequality in Wales, and we welcome its commitment to inclusive growth, fair work and greater spatial balance.
3. However, the plan is also short on practical actions to achieve these ambitions. The new economic contract, streamlining of funding and a change in the sectoral approach are welcome but are not in our view sufficient to achieve a transformation in pay and hence a reduction in poverty.
4. Our view remains that if the action plan is to ensure ‘prosperity for all’ it needs to address the fundamental drivers of poverty i.e.
 - a. Increase the **number** of jobs especially in areas where there is a short-fall relative to the population.
 - b. Boost earnings at the bottom of the wages distribution including:
 - i. Raising the hourly rate of pay
 - ii. Increasing the security and number of hours of work.
5. The action plan is relatively light on action in these areas. We would therefore like to see the following:
 - a. A commitment to increasing the take up of the Living Wage, with an aim to reduce the proportion of people in Wales earning less than the Living Wage to the UK average (excluding London) within five years – requiring a cut of about 6,000 people a year.
 - b. Increased opportunities for low-paid employees to access training and development. This could include drawing on Welsh Government work-based training and other schemes where available, and working with staff and employers to overcome barriers to progression.
 - c. Increased provision of adult skills and training opportunities, including those which achieve outcomes to reduce poverty (e.g. focused on the incomes of individuals and productivity of employers rather than qualification achieved), and that resources are targeted based on need and personal circumstances.
 - d. A commitment to improving adult literacy, numeracy and digital skills through increasing participation in essential skills learning.

6. We would also like to see the plan include clear objectives in respect of specific groups of people. Whilst the plan briefly outlines how it will help those who are furthest away from the labour market to access employment, there needs to be some clear objectives here (e.g. increasing the employment rate of disabled people or individuals with severe mental health conditions by X percentage points).
7. We would also like to see the plan include clear objectives in respect of specific places. Whilst the plan makes a welcome commitment to the re-regionalisation of economic development policy, it should go further by committing to create jobs in specific places where employment opportunities are currently lacking. Making sure that the Welsh Government's own spatial targeting 'joins up' with these objectives is a key first step, backed by its other policies e.g. on transport, business rates and adult learning.

Bevan Foundation
15th January 2018

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)–03–18 Papur 1e / Paper 1e

Prof Caroline Lloyd, School of Social Sciences, Cardiff University: Response to *Prosperity for All: Economic Action Plan*

The report includes a number of important objectives in relation to regional development, fair work and sustainable growth. Below are some comments relevant to the Committee's Inquiry into Making the Economy Work for People on Low Incomes.

1. Quality of Employment

There is a tension in the report between a recognition that there is a lack of quality jobs available and an agenda based on employability and skills improvement to enable individuals to access 'decent jobs'. The report states that 'We know that improving the level of skills for people from all backgrounds and places in Wales and encouraging a better match between these skills and the needs of employers is the best way of creating better jobs, higher wages and improved health outcomes. These changes help to reduce the pay gap...' pg 30. Unfortunately, there is no evidence that this is the 'best' way to create better jobs. Over many years, skill levels have been rising, yet the number of poor quality jobs has continued to increase. Women out-perform men in educational qualifications but the pay gap persists. Recognising that other forms of intervention are more likely to drive the creation of better jobs would provide a more realistic approach to the role of skills within such an agenda. The issue of the use of public finance to support apprenticeships, for example, could be better targeted on those areas of the economy and those employers that can deliver quality employment opportunities.

2. Inequality in access to good jobs

There is little in the report about inequalities in employment. Apart from the reference (pg 30) to skills breaking down the gender and ethnicity pay gap, there is only one other reference to inequalities in employment. On page 32, it states that attempts will be made to encourage women into traditional male preserves, girls to take STEM subjects and 'do all we can to reduce the gender pay gap'. There is no indication of the policies that might be used to achieve this. BME access is not mentioned nor encouraging men into traditional female preserves. Apprenticeship is a case in point where there is often very rigid gender segregation in participation. The quality of apprenticeships is also highly variable and we know little about inequalities in access, whether that relates to gender, ethnicity, class or locality.

3. The foundation sectors

The emphasis on placed-based services is important and provides the opportunity to enhance the quality of employment and quality of life more broadly. However, these sectors are often part of the problem for people on low incomes. The four foundation sectors identified in the plan are all characterised by high levels of low paid, female employment, and increasingly the provision of insecure and unsocial working hours. It is important to integrate policies aimed at tackling poor quality employment with local and national development plans.

4. The Fair Work Board

The Fair Work Board has considerable potential as a body that can evaluate evidence, consider different policy proposals and make recommendations to government. There are a number of gaps in the Economic Plan in relation to employment which rely on the output from the Fair Work Board. However, there appears to be no details on the Welsh government website (or elsewhere) as to its composition or terms of reference. Why is there not more transparency in relation to this body?

5. Procurement

Procurement is identified as one of the key levers to affect issues of equality and inclusion. Welsh government could do more to encourage existing public sector and quasi-public sector organisations to pay the living wage and provide permanent and direct employment with security of hours, eg. local government, FE colleges and universities. For procurement policies to work in relation to equality, inclusion and fair employment, senior managers and procurement officers require adequate training and resources to ensure that these elements are integrated into the process.

6. Care sectors

Childcare and elderly care have a number of commonalities in that the workforce is typically female, low qualified and low paid. At the same time, childcare is expected to be high quality delivering early years learning that can reduce inequalities, while elderly care has the potential to improve the quality of life for an ageing population. In both areas, government plays an important role as regulator and funder. A starting point to improve the quality of care and beneficial outcomes would be to raise the pay, hours and qualification standards required in these two sectors. Given restrictions on funding, choices have to be made. One example, might be to direct resources at improving pay and quality of care throughout the sector, rather than increasing free provision for 3 and 4 year olds which may only have a marginal impact on employment.

Professor Caroline Lloyd
School of Social Sciences
Cardiff University
Glamorgan Building, King Edward VII Avenue
Cardiff, CF10 3WT, UK

email: lloydc4@cardiff.ac.uk

This paper sets out additional information in response to the Committee's call in relation to the following:

1. Prosperity for All: Economic Action Plan
2. The original terms of reference, in particular a focus on low pay sectors and the role of welfare to reflect recent events and further research in these areas

1. Prosperity for All: Economic Action Plan

- 1.1. Prior to the publication of the economic action plan, we were keen that it recognise that addressing gender equality is an economic issue. We called for the inclusion of a number of founding principles and a move away from focusing on sectors that are dominated by men.
- 1.2. There are a number of positives in the plan in this regard:
 - 1.2.1. The plan appears to be based on a number of foundations, which include inclusive growth and tackling inequality, and there is a strong focus on ensuring investment with social purpose. There is recognition of the need to deliver fair work as part of economic development and of the need to address some of the barriers women face to engaging fully with the economy, such as childcare.
 - 1.2.2. We are pleased to see a shift away from sectors that are predominantly dominated by men. The broader thematic sectors will incorporate more sectors in which women are working and the inclusion of foundation sectors, which tend to be lower paid and employ large numbers of women is a welcome recognition of the economic value of this work.
 - 1.2.3. We are also pleased to see the principles discussed in the plan underpinned by financial conditions in the economic contract and associated calls to action. This will build on work around procurement to further utilise the buying power of the Welsh Government to ensure public money delivers benefits for all members of Welsh society.
 - 1.2.4. We welcome the decision to make apprenticeships in the national and foundation sectors at lower levels. This will be particularly important for sectors like care as part of efforts to improve pay and progression by mapping out clear career pathways.
- 1.3. There are a number of areas in the plan where we think more could be done to ensure that economic growth benefits men and women equally and that gender equality is pursued as an economic priority.
 - 1.3.1. The plan sets out a new Ministerial Advisory Board to provide expert advice. It's important that this Board is diverse in its membership and is gender balanced.

- 1.3.2. The success of the action plan will be measured through the National Indicators. While this provides a useful link with the Well-being of Future Generations (Wales) Act, it could prove difficult to draw a direct line between actions undertaken as part of the plan and any change in the indicators. We are however pleased that this will at least ensure that success will be measured using disaggregated indicators and the gender pay gap. We would also highlight that given the focus on fair work within the action plan, there may be a need to revisit the National Indicators once the Fair Work Board has published its definition of fair work to ensure all factors are included within them.
- 1.3.3. The action plan lists a number of calls to action that businesses in receipt of Government support will be expected to contribute to. We are pleased to see high quality employment included here. However, this might be a missed opportunity to embed a focus on advancing gender equality along the lines of examples from Europe, such as the City of Berlin.¹
- 1.3.4. The plan does not explicitly discuss poverty. While it's implied within discussions on inclusive growth it would be good to understand how it's envisaged that the plan will tackle some of the root causes of poverty.
- 1.3.5. The focus on foundation sectors is a positive but the plan states that the starting point for retail and care is to understand the barriers and challenges as well as the opportunities for growth and innovation. It's our view that much of this is already known, particularly for care, and that there could be a legitimate focus on action in these sectors as there is in the other foundation sectors.

2. The original terms of reference

- 2.1. In relation to inclusive growth and tackling economic inequalities, much of the additional points we would make are covered in the above discussion of the economic action plan.
- 2.2. In relation to low pay and wider issues of decent work, we look forward to seeing the outcomes of the Fair Work Commission and the intended next steps to improve the provision of fair work in Wales.
- 2.3. An exploration of low pay sectors
 - 2.3.1. We were pleased to carry out research on behalf of Oxfam Cymru in 2017 exploring the issue of decent work in the domiciliary care and food and drink sectors. This report is due to be launched shortly.
 - 2.3.2. Given the relevance of the research to this inquiry we have highlighted a number of the key findings:
 - 2.3.2.1. The value of both the domiciliary care and food and drink sectors is under-estimated and at odds with the reality of working in them.
 - 2.3.2.2. It's difficult for those working in these sectors to access training beyond induction and basic compliance training. The cost of training can be prohibitive for both employees and employers in these sectors and we are concerned that current provision, such as

¹ Example referenced in oral evidence to the Committee on DATE

- apprenticeship and leadership training are largely funded by EU structural funding. Brexit therefore poses a significant risk.
- 2.3.2.3. In both care and food and drink it's clear that the opportunity to progress can depend on working with a manager who is able to identify and support employees to take advantage of opportunities. However, without support and training themselves it can be difficult for managers to perform this role, and while we heard examples of good practice, it can come down to luck of the draw for many employees.
 - 2.3.2.4. In both sectors, a lack of work-life balance, long hours and overworking were reported as being the norm. This has an impact on worker's well-being but also presents further barriers to progression for women, who are more likely to have pressures on their time outside of work.
 - 2.3.2.5. Gender stereotyping is also present in both sectors, but manifests itself in different ways. It shapes the demographic of the care workforce, which continues to be predominantly female, and in food and drink it leads to a heavily segregated workforce, continued issues of sexism and limits progression opportunities for women.
 - 2.3.2.6. While these two sectors share a number of challenges and some cross-sector solutions can be developed, there remains a need for a sectoral approach to deliver decent work. The context in each sector is very different and a one-size-fits-all approach is unlikely to address the key barriers to decent work in different sectors.
- 2.3.3. The role of welfare
- 2.3.3.1. Given the changing context of welfare reform and Universal Credit (UC) roll-out we thought it might be useful to highlight a number of our key concerns in relation to Universal Credit in Wales.
 - 2.3.3.2. We remain significantly concerned that the design of Universal Credit is such that women are at risk of being unfairly affected by it. Evaluations to date have suggested that the approach of Universal Credit has a limited impact on the job seeking behaviour of those with families. It's vitally important that employability programmes in Wales learn lessons from this and develop an approach that adequately supports women into sustainable, well-paid employment.
 - 2.3.3.3. Crucially, in Wales we are concerned that the potential for confusion for UC claimants is high as the new childcare offer is piloted and rolled-out. Evidence to date suggests that UC claimants are encountering difficulties in accessing the childcare element of UC and there remains a lack of awareness as to what support is available. It's vital that claimants in Wales have access to clear, accurate information about what support is available with childcare to ensure that they are not moving back out of employment as a result of caring pressures.

The new *WG Economic Plan* is to be welcomed in respect of making the economy work for people on low incomes. The plan sets out new ways to define and achieve growth (inclusive growth, support for foundation sectors, sustainability and job progression), and to maximise the potential of public spending to encourage local growth and introduce an *Economic Contract* to obtain economic and social value.

Up skilling and Training

Implementation will need to be underpinned by a thorough understanding of the different ways in which socio-economic disadvantage can limit aspiration and access to basic skills and/or adult learning. Learning opportunities will need to be flexible, attentive to diversity, properly resourced and provided 'close to home'.

While the intention to introduce equivalent maintenance support across full-time and part-time undergraduate and post-graduate study will assist adults with career entry into professions, the resource offer to support adult learners outside of Higher Education settings is less clear.

Progression from low-skilled work

The *Economic Plan* will need more detail on how job progression from low skilled work will be achieved. Job ladder and job

progression models are generally under-developed for 'entry level' and low graded jobs.

The *Women Adding Value to the Economy* (WAVE) programme found that little consideration had been given to progression for workers in the lowest grades (for example in health, local government and education from Grade 1 to supervisory level at Grade 3). Grade 3 is often the top of the grade scale for the majority of women's jobs in the public sector in cleaning, catering and clerical work.

Career pathways exist in most semi-professional and professional occupations (although there are silos within these, with women, disabled people and people from ethnic minorities more likely to be in career dead-ends and on insecure contracts), but progression into these roles from lower grades needs further consideration (for example from clerical work into higher administrative grades, from health care assistant to nursing, from porter to plumber).

New job progression models will need to facilitate vertical movement within the same occupation or horizontal movement into occupations with defined career ladders. Careers advice will need to include information on transferring skills and knowledge between occupations and sectors, as well as up-skilling, opportunities/funding sources.

WAVE employers began by introducing or revamping performance development reviews (PDRs) for workers in the lowest grades, with an emphasis on development discussions; information on

work-based learning and job shadowing development opportunities, and the availability of full time and/or permanent contracts 'close to home'.

They also equipped line managers with an understanding of how welfare transfer regulations can work to dissuade, particularly 'second earners' in a household, from taking on additional hours of paid work or moving into higher graded higher paid jobs.

Only the employer can progress employees through their grade hierarchy. To realise the *Economic Plan* goals, there must be a concerted effort to establish collaborative networks between employers, job and career advisors, training providers, and trades unions to examine and recommend how to create horizontal and vertical job ladders in different occupational areas.



Arbenigwyr mewn Busnes
Experts in Business

FSB Wales Briefing Prosperity for All: Economic Action Plan

About FSB Wales

FSB Wales is the authoritative voice of businesses in Wales. With 10,000 members FSB Wales is in constant contact with business at a grassroots level. It undertakes regular online surveys of its members as well a number of research projects overseen by its Wales Policy Unit.

Introduction

In December 2017 the Welsh Government published its long awaited economic strategy called *Prosperity for All: Economic Action Plan (EAP)*. The EAP marked a point of departure from the Welsh Government's previous economic strategy called the Economic Renewal Programme (ERP). The ERP focused on 'priority sectors' and the new EAP has removed this approach and replaced it with a number of spatial and sectoral priorities.

Overview

The EAP has four core components that make up its approach. They are:

- **Economic Contract** – placed on all funding that comes direct from Welsh Government (except Business Wales or Development Bank). It will set out a number of prerequisites for firms to achieve before being eligible for support based around 5 calls to action.
- **New economic regions** – Three new economic regions have been created (N Wales, Mid and West Wales, SE Wales) that will be headed up by Chief Regional Officers. These will align to some extent with City Deals/Regions.
- **New 'National Thematic Sectors'** – These will replace the current 9 priority sectors. They are Tradeable Services, High Value Manufacturing and Enablers.
- **Foundation Sectors** – A direct response to the foundational economy. These are tourism, food, retail and care.

Analysis

The publication of this document is an important moment for business in Wales.

This plan is long awaited and overdue but there is much welcome thinking contained within it. It is now time to move towards outlining proper detail that translates this from ambition and vision to meaningful action for business and the economy.

Ultimately, the Action Plan commits to recognising and working with the economic assets that we have in Wales and this is welcome. The pledge to focus on growing and promoting indigenous businesses is something that FSB Wales has long called for.

We are pleased to see that, as with the UK Government's Industrial Strategy, the document has identified some of the weaknesses of the Welsh economy, such as low productivity, and we hope to see these strategies complement each other to tackle these challenges.

We are also working closely with the Welsh Government and social partners as the Fair Work Commission develops and it is important that businesses are engaged in this conversation.

Possible improvements:

Ff/T 029 2074 7406
E wales.policy@fsb.org.uk
W fsb.wales

C/A 1 Cleeve House,
Lambourne Crescent,
Cardiff, CF11 7CC
Ffôn ympecyn 67

Swyddfa Gofrestredig | Registered Office:
National Federation of Self Employed and Small Businesses Limited,
Sir Frank Whittle Way, Blackpool Business Park, Blackpool, FY4 2FE

Cofrestrwyd yn Lloegr Rhif | Registered in England: 1263540



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- Welsh Government must now begin a wider conversation with businesses. In the first instance, this would mean **consultation** on the contents of the EAP with a focus on what it means for businesses in their day-to-day operation.
- **The EAP needs stronger targets and measures** by which to judge its performance. This should take the form of a basket of indicators such as GVA, employment and other structural indicators such as access to broadband.

Economic Contract

The approach to the economic contract is innovative. A contract is something that must be beneficial to both parties, and we very much hope this will be the spirit in which the contract is used. It therefore needs to be easy to comply with. As with any contract, there needs to be a clear understanding on both sides as to what constitutes a 'breach'.

The Action Plan identifies a number of ways in which we can 'raise the ask' of larger firms through the contract. For our part, we'd like to see a stronger emphasis on leveraging the impact of Wales' larger firms' to help develop their Welsh supply chains and we feel that this needs to be specifically detailed as one of the 'calls to action'.

Possible improvements:

- An **additional call to action** should be included focused around the development of **Wales-based supply chains**.
- A **clear mechanism for holding both sides of any contract to account** should be included, as well as a mechanism for dealing with any breaches.

Regional Economies

It is important that the Cabinet Secretary has recognised that the Welsh economy is regionally imbalanced; this is something that we must work together to redress. For too long, interest and attention has been focused in particular areas of Wales to the exclusion of opportunities elsewhere in the country.

Moving away from a 'one-size-fits-all' approach means that we can fully exploit the particular opportunities within each region including, but not limited to conversations on the growth deals. Allowing regions to identify their own priorities based on the needs of their businesses is the key here.

As part of this, it is encouraging to see emphasis on the rural economy following much work by the FSB. However, the Cabinet Secretary could go further than this, and adopt a Rural Challenge Fund to support rural Wales, as recommended by the FSB in our *Rural Taskforce* report which would stimulate new thinking on developing the rural economy.

Possible improvements:

- **Welsh Government should empower regional government** to deliver economic development, using the funds provided by the City/Growth Deals as leverage.
- In concrete terms, we believe that a move towards regional structures for economic development may merit **revisiting where key policy levers lie**.
- Economic development within Wales' regional economies should be balanced in terms of the internal make-up of each of the regions **recognising the spatial impact of sectoral approaches**.



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- That **arrangements are made for Mid Wales**, which stands to be neglected in current arrangements.

Foundational Economy

We are very pleased to see an explicit ambition for the development of the foundational economy, which plays a critical role Wales. We will work closely with the Cabinet Secretary and his team to develop the plans for this area of the economy as we move this from theory to action.

Possible improvements:

- The Welsh Government should **undertake work with firms in each of the sectors** to understand their pressures with a view to helping **deliver more sustainable business models**. The recent Welsh Government review of the childcare sector in Wales provides a useful template.¹

Business Support

The commitment to simplification and flexibility of support and interventions for business is promising and will bring tangible benefits to businesses who want a business support system that prioritises accessibility and ease of use. However, we need specific detail of what this simplification agenda will look like.

Possible improvements:

- There needs to be greater transparency as to **whether the new Economy Futures Fund will be grant or loan based** and whether it will be open to applications from SMEs.

Sectors

We welcome the removal of a sector based approach, which was often confusing to SMEs who didn't feel it was relevant to their business and at times looked like an arbitrary approach to support. Moving forward, there needs to be greater clarity on what is included in the thematic sectors, and more importantly, what is not included.

Possible improvements:

- The **sectors identified by the EAP need to be better defined** and at present are too broad.

Skills

Education and training are key levers in solving Wales' poor productivity. FSB welcomes the identification of this as a priority for the new Economic Action Plan. It is vital that reforms to post-compulsory education respond to SME needs.

Possible Improvements:

- Set out a **timetable for the delivery of the proposed Tertiary Education and Research Commission for Wales (TERCfW)**.

Infrastructure

¹ Government Social Research. 2018. *Review of the Childcare Sector in Wales* [Online]. Available at: <http://gov.wales/docs/caecd/research/2018/180110-review-childcare-sector-en.pdf> (accessed 10th January 2018).



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FSB welcomes the Welsh Government's actions to improve the development of infrastructure across Wales. Moving forward the role of the National Infrastructure Commission will be key, and we hope to see the commission tasked to deliver beyond traditional "hard" infrastructure

Possible Improvements:

- Further details on the possible **roll out of 5G**, and work to increase SME uptake and utilization of high speed internet access.
- The National Infrastructure for Wales should move swiftly **to engage with businesses** in drawing up its priorities.

Low Carbon and Green Growth

FSB recognizes the challenges posed by climate change, and welcomes the clear signposting Welsh Government is seeking to provide through the carbon budgets. Moving forward, Welsh Government should seek to assist the smallest businesses in increasing their energy and water efficiency"

Possible improvements:

- Work with commercial landlords to **identify ways to assist SMEs in reducing their energy usage** or increase their energy efficiency
- Identify the priority actions required to assist SMEs to decarbonize their transport.

Wales and the World

The document rightly recognises the need for Wales to project its brand more effectively to aid trade and investment. Welsh Government should commit to the development of a Trade and Investment Strategy to inform and guide this work and help create a vehicle for businesses prospecting abroad. However, we are pleased to see the Plan recognising the need to link with the UK Government's own activity in this area.

Possible improvements:

- Welsh Government should commit to bringing forward a **Trade and Investment Strategy for Wales**.
- Further **consideration should be given to creating an independent body** tasked with implementing the Trade and Investment Strategy.

What's Missing

While the Action Plan identifies a number of priorities going forward, we feel there are areas for further development.

For instance, Welsh Government must also address some of our more strategic weaknesses such as how we address the lack of medium sized businesses, which was highlighted earlier this year by FSB Wales, or the lack of careers advice and support on offer in schools and the impact this has on the future of entrepreneurship.

We also recently called for a wide ranging Welsh Government review of self-employment in order to properly understand it and its impact in Wales, and would repeat this call going forwards.

Possible improvements:

Ff/T 029 2074 7406
E wales.policy@fsb.org.uk
W fsb.wales

C/A 1 Cleeve House,
Lambourne Crescent,
Tudaleny, peccyn 70

Swyddfa Gofrestredig | Registered Office:
National Federation of Self Employed and Small Businesses Limited,
Sir Frank Whittle Way, Blackpool Business Park, Blackpool, FY4 2FE
Cofrestrwyd yn Lloegr Rhif | Registered in England: 1263540



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- The EAP should include **a clear commitment towards growing the medium-size cohort of Welsh firms**, what we've called the missing middle. A number of interventions would be associated with this.
- There should also be **greater recognition of self-employment** as an economic activity, given that it accounts for around 13 per cent of Welsh employment.
- The **links between businesses and wider social actors such as schools** should be explored in further detail.

Next Steps

In consulting with business during the next stage, we would expect to see clear indicators and targets to measure success. Businesses operating on the ground must be able to see what this strategy means for them in reality.

Overall, this document strongly hints at the recalibration of thinking that FSB Wales has been calling for and seems to be heading in a positive direction. However, Welsh Government needs now to intensify a meaningful consultation with business to make it more tangible. Welsh Government must create a partnership with business that helps this plan to succeed.

Eitem 5

Yn rhinwedd paragraff(au) vii o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

**Report for the Equality, Local Government and Communities Committee of the
National Assembly for Wales: *Public Services Ombudsman (Wales) Bill***

Dr Gavin McBurnie MB ChB MBA LLM

Contents

Summary.....	4
1. Introduction.....	6
2. Consideration of Assumptions Used in the RIA (Paragraphs 11.21-11.57)	7
3. Power to accept oral complaints	11

4. Undertake own initiative investigations	16
5. Extend the Ombudsman's jurisdiction to enable the investigation of private health services	21
6. Power to undertake a role in relation to complaints-handling standards and procedures	22
7. Financial Summary	25
8. About the author:	27

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Summary

The Equality, Local Government and Communities Committee of the National Assembly for Wales is currently scrutinising the *Public Services Ombudsman (Wales) Bill*. This Bill, if enacted, will allow the Public Services Ombudsman for Wales (PSOW) to:

- Accept oral complaints;
- Undertake own initiative investigations
- Investigate private medical treatment, including nursing care, in a public/private health pathway; and
- Strengthen the role of the PSOW in relation to complaints handling standards and procedures.

This paper reviews the Regulatory Impact Assessment (RIA) produced on these proposals for the Equality, Local Government and Communities Committee to assist its ability to scrutinise the Bill.

Ability to receive oral complaints

It is suggested that the figures contained within the RIA relating to the estimated number of complaints, both new complaints arising from easing access and the switch from written to oral complaints, significantly underestimate the likely impact. A sensitivity analysis using a 10% and 20% increase in complaints should be undertaken. It is also suggested that the case for additional direct costs has not been made and further information is required from the PSOW. If one accepts the complaint numbers in the RIA, then no additional indirect costs will actually be incurred as the estimated activity is so low that it should be met from within existing resource. If it is correct, that the number of additional complaints is a significant underestimate, then the impact on bodies in jurisdiction will need to be revisited.

Allow the PSOW to undertake own initiative investigations

The direct staff costs associated with this proposal are reasonable but, again, it is argued that there will be no actual additional expenditure incurred by bodies in jurisdiction as the activity is likely to be low and managed within existing resource. The PSOW currently undertakes about 600 complaint investigations a year. This proposal will increase that number by about 10 individual complaints and undertake one to two major investigations. The way these latter investigations are inevitably conducted will have minimal financial impact upon bodies in jurisdiction. It is suggested that the number of complaints that it is estimated will be avoided by the use of this power is over estimated. Own initiative investigations are not likely to bring about significant reductions in individual complaints but rather, their value lies in the fact that potential thousands of people can benefit from a single investigation, representing excellent value for money.

Allow the PSOW to investigate private treatment as part of a public/private healthcare pathway

Two concerns are raised with the RIA relating to this proposal. Although untestable, the estimated number of complaints affected may well be an underestimate although it would have to be significantly wrong to have a significant impact on the PSOW or bodies. It is also felt that, in keeping with its approach to the public sector the RIA should have contained an estimate of its view of the potential financial impact. Nonetheless, as with the above two proposals it is suggested that private bodies would manage these investigations within existing resources.

Strengthen the role of the PSOW in relation to complaints handling standards and procedures

This direct staff costs associated with this proposal with are considered reasonable as are the total indirect costs associated with any possible changes to databases. It is suggested that other potential impacts on bodies arising from this proposal have not been recognised. These include assistance by bodies to the PSOW on the development of model complaint handlings policies, the alteration of complaints policies and procedures by bodies, where necessary, to ensure compliance and the dissemination within bodies of any changes in policies and procedures. It is suggested that these types of activities are part on the normal everyday work of any good organisation and would be funded from within existing resource. The figures within the RIA relating to the reduction in complaints received by the PSOW are considered an underestimate and that a greater number of complaints will be avoided. The complicating factor is that it is suggested that implementation may take longer than envisaged and that, while the number will be greater, it may be achieved in a slightly slower timescale than contained within the RIA. Better complaint handling at local level will reduce complaints being received and investigated by the PSOW leading, in turn, to reduced costs for the local bodies.

With regard to the direct costs relating to transition costs, other staff costs and professional fees, for each of the four proposals it is considered that all are problematic and it is suggested that the PSOW provide detail to evidence the figures within the RIA.

In summary, while very supportive of all four proposals, it is believed by the author that the direct costs associated with the proposals are overestimated, that the level of cost avoidance within the timescale covered by the RIA is also over estimated but may ultimately be greater than envisaged, and that the financial impact on bodies is seriously overestimated.

Report for the Equality, Local Government and Communities Committee of the National Assembly for Wales

1. Introduction

1.1. The Equality, Local Government and Communities Committee of the National Assembly for Wales is currently scrutinising the *Public Services Ombudsman (Wales) Bill*. This Bill, if enacted, will allow the Public Services Ombudsman for Wales to:

- Accept oral complaints;
- Undertake own initiative investigations
- Investigate private medical treatment, including nursing care, in a public/private health pathway; and
- Strengthen the role of the PSOW in relation to complaints handling standards and procedures.

1.2. The Committee has sought assistance:

- To obtain an external independent analysis in understanding whether the costs outlined in the Regulatory Impact Assessment (RIA) are realistic and proportionate in terms of their completeness, timing and scale.
- To obtain an opinion as to whether the additional powers and associated expenditure arising from the Bill will provide value for money; and
- To inform the Committee's views on the presentation of the costings within the RIA and do they allow the Committee to have a full understanding of the additional costs and benefits.

1.3. This paper addresses the issues identified by the Committee and addresses these issues using the following structure: it considers the assumptions underpinning the RIA, it then examines each of the four proposed additional powers in turn, and finally provides a view on the proposed additional powers' value for money. All paragraph numbers used in this paper relate to the respective paragraph in the RIA.

2. Consideration of Assumptions Used in the RIA (Paragraphs 11.21-11.57)

- 2.1. Paragraph 11.30 states that there is an assumption that the ombudsman's caseload will increase by 12% per annum. This is evidenced by an average annual caseload increase of 17% between 2010-11 and 2015-16 together with a 13% increase on the prior year from 2015-16. The Ombudsman is said to have advised that he sees no evidence that this trend will decrease. Table 1 below demonstrates the year on year increase in complaints received by the ombudsman:

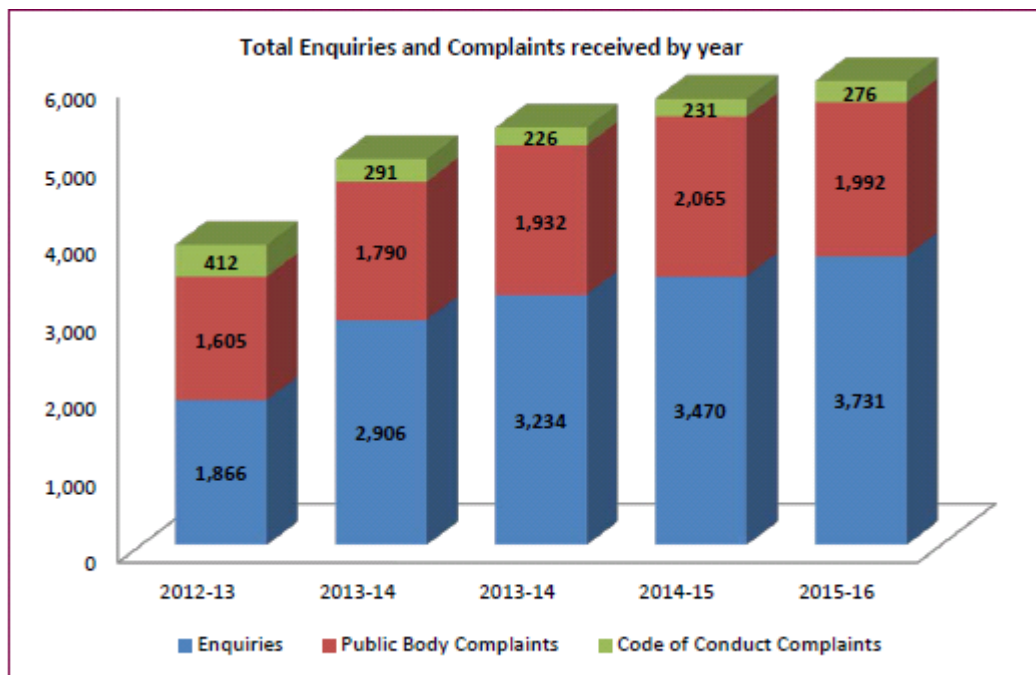
Table 1: Year on Year increase in caseload

Year	# of cases received	Increase in number of cases, year on year	% increase in cases, year on year
2010-11	2829		
2011-12	3883	1054	37%
2012-13	4987	1104	28%
2013-14	5392	405	8%
2014-15	5766	374	7%
2015-16	5999	233	4%
2016-17	6804	805	13%

- 2.1. This table indicates that most of the growth in caseload occurred in the period 2011-2013. From 2013-2016 the increase was 20% or about 6% annually. The period 2016-17 showed a larger increase. Including the year 2016-17 in the calculation from 2012, the increase was 36%, an average increase of about 8% per annum. It would be worthwhile asking the Ombudsman for his views as to the increase in caseload for 2016-17 to establish whether this is a structural increase or is out of trend. If it is not a structural increase then careful consideration would need to be given

before using an assumption of 12% increase in caseload per annum over the next five years.

- 2.2. The PSOW Annual Accounts for 2015-16 (P.6) provides a histogram analysis of the increases in caseload since 2012-13, see below. (Note that there is an error in this chart as the year 2013-14 is listed twice. Presumably the first 2013-14 is in fact 2012-13 and the column for 2012-13 is 2011-2012 but this needs clarified.)



- 2.3. Of interest, this histogram shows that the majority of the increase in caseload has been driven by a growth in enquiries rather than complaints. In 2012-13, the total number of complaints received by the Ombudsman totalled 2,081 complaints while, in 2015-16, the total was 2,268 complaints, an increase of 187, which is an average increase of less than 3% per annum.

- 2.4. The growth of enquiries undoubtedly has a cost for the office but the management of enquiries, assessment of complaints and actual investigations have significantly different costs. Investigations cost significantly more than assessments, which, in turn, cost more than

enquiries. **If further work is to be undertaken on the RIA then it may be worth considering using the costs of all three in a more nuanced analysis.**

2.5. Paragraph 11.35 states that the value of cost avoidance has been set against the cases expected with a 12% increase in caseload. Given the information above, the reasonableness of using the 12% model is questioned. **It is recommended that in calculating the increase in the Ombudsman’s caseload a 6% or 8% model is used and that this be used in all relevant analyses.**

2.6. In paragraph 11.31 the Ombudsman states that the unit cost of a complaint considered by his office has reduced by a total of 65% between 2010-11 and 2015-16. The resulting average cost of a complaint received by the office is £501. Table 2 provides details on cases and investigations together with budgets for the PSOW, SPSO and NIPSO.

Table 2: Caseload and budgets for PSOW, SPSO and NIPSO (Data from most recent annual reports)

Ombudsman	# of cases	# of investigations	Annual budget (,000)
PSOW	6804	588	£4,020
SPSO	4104	805	£3,252
NIPSO	3385	575	£1,516

2.7. It is always hard to compare data such as this due to differences in naming conventions (what is a case as opposed to a complaint or an investigation and how do they overlap), service models and local market rates for staff and accommodation. However, a cost of £501 per average case does not seem unreasonable and while the Ombudsman will continue to look at ways to reduce costs, it should be assumed that such activity is likely to produce modest benefits.

- 2.8. It is suggested in paragraph 11.32 that by identifying issues early or through the extension of investigations the Ombudsman states that he can prevent future failings which, in turn, would lead to the receipt of further complaints. The Ombudsman also suggests (paragraph 11.33) that improvements in complaint handling and better learning from complaints will also reduce the anticipated increase in caseload. It is estimated (paragraph 11.34) that, by 2020-21, own initiative investigations would reduce the number of complaints by 5% compared to the figure in 2015-16 while the addition of a complaint-handling role may reduce the equivalent figure by 10%. These estimated reductions in activity will be considered within the respective sections of this paper.
- 2.9. At this point it is worth considering the 'other staff costs' and 'transition' costs elements contained within the direct costs analysis in the RIA. As the same figures are used throughout the RIA when calculating direct costs, the comments apply to the calculations of the 'other staff costs' and 'transition' costs for each of the proposals.
- 2.10. Firstly, the one-off transition a cost of £5,000 per new employee to cover recruitment and equipment appears rather high. One would expect to achieve these at lower cost. Secondly, the 'other staff costs' are detailed at a recurrent £5,000 per person per annum to account for items such as stationery, printing and IT costs but, again, this seems high. Undoubtedly there will be costs incurred, including IT license costs. **It is recommended that the Ombudsman provide details on the calculations used to arrive at these costs.**
- 2.11. The assumptions underpinning the other direct and indirect costs associated with each of the proposals will be considered in the respective sections.

3. Power to accept oral complaints

- 3.1. It is estimated (paragraph 11.72) that 10% of complainants will want to make their complaint by telephone. This would imply that approximately 227 complaints would be made orally of which 25 will be additional complaints. There is reason to believe that these figures are modest in their scale. In her evidence the Scottish Public Services Ombudsman indicated that approximately 72% of complaints about the Social Welfare Fund were made orally. She correctly raised the caveat that it may be incorrect to assume that that figure will translate to the traditional type of complaints received by an ombudsman.
- 3.2. The Ontario Ombudsman in his annual report states that 61% of complaints received by his office are made orally¹. Work undertaken by the author in Spring 2017, indicated that telephone complaints to the different energy ombudsmen in Australasia accounted for 70%-85% of their complaints. Within the UK, Ombudsman Services in their 20126/17 Annual Report state that 37% of complaints were made orally, while the Financial Ombudsman Service in their latest Annual Report indicate that about 43% of contacts are by telephone. As a result, the estimate that only 10% of complaints will be made by telephone looks modest. **It would be prudent to undertake a sensitivity analysis using a higher figure such as 40%.**
- 3.3. The view that accepting complaints by any means will result in an increase of 25 cases per annum also looks modest. Reading the RIA, it seems that this figure is calculated by using those people who make a complaint orally to the PSOW, which is transcribed, returned to the complainant for confirmation but is then subsequently not returned to the PSOW. It is suggested that enabling easier access to complain will generate additional

¹ Ontario Ombudsman, 2017, *Annual Report 2016-2017*, P.64 [online] [viewed 13 January 2018] Available from <https://www.ombudsman.on.ca/Files/sitemedia/Documents/Resources/Reports/Annual/AR2017-EN-Final.pdf>

complaints in itself. It is known that many people do not complain for a variety of reasons and enabling complaining will undoubtedly allow people with legitimate complaints to complain when they may otherwise have not done so. **It would be prudent to undertake a sensitivity analysis using an increase in complaint numbers of 10% and 20%.**

3.4. The important issue is, would a move from written complaints to oral complaints significantly increase the workload of the office? The answer to this depends mainly on the service model and working practices of the PSOW. In the experience of the author, it can be difficult to understand the exact issues contained within a complaint received by an ombudsman's office. Good practice suggests that upon receipt of a complaint, the office should contact the complainant to clarify issues such as the following, among others:

- To understand the complaint, and to ensure that the complainant feels heard;
- To understand if local resolution has been attempted or completed;
- Whether the person making the complaint is a suitable complainant; and
- The expectations of the complainant both in terms of process and outcome.

3.5. This discussion would normally be written down and a scope of any resulting complaint sent to the complainant. Assuming that the office of the PSOW follows a similar, if not exactly the same, practice then much of the work involved will be undertaken no matter the mode of receipt of the complaint by the office. Thus, a more significant increase in the receipt of complaints by the PSOW may not result in an increase in office activity. This will particularly be the case with increased future use of smart technology. There is a move to encourage complainants to submit complaints online, in keeping with the changing use of technology (SPSO, PHSO). By doing so, a series of filters can be inserted that reduce the number of enquiries and complaints about which the office may not be able to take action. Signposting to the correct body is also available (PHSO).

- 3.6. It is suggested in paragraph 11.74 that there will be a need to increase the staffing complement by one whole time equivalent and to increase the pay of a second member of staff, as a result of increased responsibilities. The justification for this, contained within paragraph 11.74, is that staff will need to establish the context of the complaint, what injustice has been suffered and the outcome sought. However, these objectives will need to be achieved no matter how a complaint is received. **It is suggested that the case for additional staff at a higher pay grade within the RIA has not been made and further information should be obtained from the Ombudsman.**
- 3.7. Within the 'accepting oral complaints' section an estimate of the indirect costs (that is, the costs likely to be incurred by bodies in jurisdiction) is made. This amounts to range from about £16,000 to £22,000 per annum, totalling around £82,000 to £111,000 over five years. These are the costs associated with an additional 25 cases per annum of which 6 would go to full investigation.
- 3.8. However, this is not in keeping with the assumptions in paragraphs 11.43 to 11.49. In these paragraphs, it is stated that 86% of complaints will be made against local authorities and health bodies and in paragraph 11.47 it is stated that the bodies in jurisdiction receiving the remaining 14% of complaints could manage them within existing resources. Accepting that view, this means that 4 of the 25 cases received by the PSOW and one of the six investigations is likely to be against the minor bodies² in jurisdiction. Thus, the figures used in the calculations for indirect costs arising to local authorities and health bodies should be 21 and 5 respectively and not 25 and 6. This would result in annual costs ranging from £12,500 to £18,300 or £62,500 to £91,000 over the five-year period. The equivalent figures in the RIA for 25 cases and six investigations range from about £16,00 to £22,000 per annum, totalling around £82,00 to £111,000 over five years

² By minor, it is meant in terms of scale of complaints received by the PSOW.

- 3.9. As stated above it is estimated that the ability to accept oral complaints will result in an additional 21 cases and five investigations per year. There are a total of 32 health bodies and county or county/borough councils. The implication, therefore, is that each local authority or health body may have one case reach the PSOW each year and face an investigation every six years. Thus, while the costs estimated in Tables 11, 12 and 13 should be treated as indicative sums, in reality it is unlikely that the bodies concerned will recruit additional staffing to manage such low levels of activity and that it will be undertaken within existing resources. This may change if the easing of restrictions on making a complaint to the PSOW does generate significant additional activity.
- 3.10. There are also concerns about the figures used in Tables 11 and 12. This concern arises from the author's experience as a Director in both a Scottish and an English health authority as well as experience as a clinical director. The first concern is that the total hours calculated appear high, even in the low estimate. Firstly, according to the website of the PSOW, the office will not contact the body concerned in every complaint³. Secondly, at that stage, the pre-investigation stage, the PSOW will be seeking the complaints file from the body concerned. While that request for information will create additional work, at that stage it is unlikely to be of the scale indicated in the Tables. Most of the work will fall to the complaints team, and probably at a level lower than Team Manager. This is an effectively moot point for, as suggested above, it is unlikely that organisations will incur additional staff costs.
- 3.11. The arguments for allowing the ombudsman to accept a complaint in any format compliant with his determination of what is meant by 'duly made' have been well rehearsed in the evidence received by the Committee. The

³ PSOW, 2017, *What we do when we get your complaint about a public body in Wales*, [online] [viewed 14/1/2017] Available from <http://www.ombudsman-wales.org.uk/en/Making%20a%20complaint/What-we-do-when-we-get-your-complaint-about-a-public-body-in-wales.aspx>

original legislation requiring complaints to be made in writing dates back to the Parliamentary Commissioners Act 1967. At that time many homes did not have a landline and writing to organisations was the norm. Time and technology have progressed and the legislation should reflect these changes that have occurred and future technology changes. The proposal in the Bill will allow that to occur. This is particularly important given research evidence that indicates that many people with legitimate grounds for complaint do not do so and that they can be deterred from making a complaint by even minor blocks in the process.

4. Undertake own initiative investigations

- 4.1. It is proposed to give the PSOW the power to conduct own initiative investigations in specific circumstances and following the ombudsman undertaking an appropriate consultation. The circumstances are:
 - A. The extension of a complaint to include another public body without the need for a new complaint from the complainant;
 - B. Where findings from a complaint investigation suggest that a wider investigation involving other bodies to establish whether the findings are more widespread;
 - C. Investigation of an anonymous complaint; and,
 - D. Investigation across all, or part, of a sector of service delivery in light of concerns.
- 4.2. The ombudsman expects to conduct 10-15 such investigations per year of which only one or two will relate to scenario D, while most are expected to relate to scenarios B and C. Investigations under scenario A and C are likely to be similar to the investigations currently undertaken by the PSOW and which currently total approximately 600 investigations a year. It is also suggested that the majority of investigations undertaken through the use of own initiative powers will relate to scenarios A and C as investigations under scenario B are likely to be resource intensive and therefore minimal in number, as is the case in scenario D. That being the case, then, given the potentially small number of investigations under scenarios A and C involved, probably up to 10 a year maximum, these specific investigations should be able to be undertaken within existing PSOW resource.
- 4.3. Investigations undertaken under scenarios B and D are likely to be more substantial, in particular, those investigations undertaken under scenario D. In the field of own initiative investigations, the ombudsman offices of Ontario and the Commonwealth Ombudsman of Australia have particularly strong reputations.
- 4.4. The author has previously been to the Ontario Ombudsman's office to gain an understanding of the process used by that office for its major own initiative investigations, the equivalent of scenario D. These investigations

are conducted by teams of around 6 persons, it can be slightly higher or lower depending upon the complexity and scale of the investigation, and are expected to conclude within three months. Multiplying the average six persons involved in the investigation by the three-month length of each case suggests that a major own initiative investigation requires 1.5 persons per year. This is in keeping with an additional staff complement of two persons conducting one to two major own initiative investigations per year under scenarios B and D proposed in the RIA. What has not been included in the costs for PSOW is the cost of senior oversight of these investigations. In Ontario, there is a Director level post with specific responsibility for these investigations. However, in Ontario they would expect to undertake 10-12 such investigations a year. With a level of 1-2 such investigations it is assumed that senior oversight of the investigations will be undertaken within existing resource. That seems a reasonable assumption.

- 4.5. Professional fees of £10,000 per annum has been identified which amounts to around 25-30 days of specialist advice. These costs must relate to investigations under scenario B or D and seems generous given that only one or two such investigations are planned each year. While additional professional fees are likely to be incurred they are unlikely to be of this scale. A more realistic level would be £5,000 per annum.
- 4.6. The approach taken to estimating the indirect costs appears to use a similar model as that used in calculating the financial impact of investigations arising from oral complaints. That is, the time and cost of a range of individuals who may be involved in an own motion investigation has been calculated. However, major own motion investigations are quite different from classical ombudsman investigation.

- 4.7. Two examples demonstrate this. The first is from the Ontario Ombudsman. Using one of their own initiative investigations, *Caught in the Act*⁴, indicates that a major own initiative investigation will involve a significant number of interviews across a range of bodies. In this case 49 interviews with staff from at least five groups including complainants, stakeholders, the Police and the relevant Ministry. It also involved reviewing 1,000 pages of documentation. This is a scenario D type investigation.
- 4.8. The Parliamentary and Health Service Ombudsman in England published a report *A review into the quality of NHS complaints investigations where serious or avoidable harm has been alleged*⁵ which considered complaints it had investigated where serious harm had been alleged. This involved reviewing 150 complaint files, undertaking a survey of 170 complaint managers in the NHS in England and conducting site visits to six NHS Trusts and interviewing staff within these organisations. This approach is broadly similar to that envisaged under scenario B.
- 4.9. These examples demonstrate that these investigations are very different from the typical ombudsman investigation and the impact upon bodies in jurisdiction will also vary widely dependent upon the scope of the investigation and the corresponding complexity. For the Ontario Ombudsman investigation, *Caught in the Act*, the costs for the organisations involved were probably similar to those at the lower estimate in Table 15. For the PHSO investigation, more junior staff in health bodies were involved but again the number of hours involved would be similar to those in the lower estimate in Table 15.
- 4.10. All considered and, bearing in mind this is not an exact predictable science, the costs used in Tables 15 and 16 are probably reasonable for

⁴ Ontario Ombudsman, 2010, *Caught in the Act*, [online] [viewed 14/1/2018] Available from https://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/G20final-EN-web_1.pdf P.39

⁵ PHSO, 2015, *A review into the quality of NHS complaints investigations where serious or avoidable harm has been alleged*, [online] [viewed 14/1/2018] Available from https://www.ombudsman.org.uk/sites/default/files/A_review_into_the_quality_of_NHS_complaints_investigations_where_serious_or_avoidable_harm_has_been_alleged.pdf

use in the RIA. Again, however, these are nominal costs. As only one to two of these major own initiative investigations are likely to take place each year the impact upon any single organisation in any one year will be minimal and should be able to be accommodated within the organisation's existing resource.

- 4.11. Caution must be taken with regard the timing of the changes that are anticipated to arise from major own initiative investigations. For example, the PHSO published a systemic report, *Time to Act*, on the management of sepsis by the NHS in September 2013, yet it was not until 2017 that NICE produced its clinical guidelines in response to the report. However, many other organisations such as the Ontario Ombudsman and the Commonwealth Ombudsman in Australia have produced own initiative reports which have brought about changes much earlier.
- 4.12. Caution must also be taken with respect to the hoped for 5% decrease in complaints arising from own initiative complaints. This reduction is likely to be generated by the major investigations from scenario B and D. However, they may not occur to that degree. The Ontario Ombudsman carried out a major own initiative investigation the availability of a drug called Avastin. The report was titled *A Vast Injustice*⁶. This was prompted by a single complaint and on launching the investigation the Ontario Ombudsman publicly called for complaints about the same issue. A total of only 31 additional complaints were received. This indicates that such powers will not, necessarily, significantly reduce complaint numbers especially in the timescale within the RIA.
- 4.13. The ability to undertake own initiative investigations is very important. While relatively expensive for an ombudsman's office to conduct, particularly in comparison to the typical ombudsman investigation, they have the potential to secure significant benefits. In relation to the *A Vast*

⁶ Ontario Ombudsman, 2009, *A Vast Injustice*, [online] [viewed 16 January 2018] Available from <https://www.ombudsman.on.ca/resources/news/press-releases/2009/ministry-decision-to-restrict-cancer-drug-verges-on-cruelty-ombudsman-finds-cap-on-avastin-fundi>

Injustice report discussed above, the change resulting from the Ontario Ombudsman's report has the potential to save the lives of several hundreds, if not thousands, of Ontarians. Another example is the PHSO's report *Time to Act* also discussed above. Each year sepsis kills about 35,000 persons in England. The PHSO report has resulted in the production of clinical guidelines by NICE, and many other associated benefits such as publicity campaigns, widespread coverage in the media, and parliamentary focus on the issue raising its priority in the Department of Health. Together these should result in the earlier identification and better management of sepsis resulting in the saving of potentially thousands of lives per year. That change would not have occurred with even a series of single investigation reports.

- 4.14. More modest decreases in the number of complaints arising from own initiative investigations should be assumed especially by 2020-21. It is suggested that a more reasonable figure would be 100 complaints by 2020-21.
- 4.15. The own initiative investigations undertaken by the Commonwealth Ombudsman of Australia and the Ontario Ombudsman demonstrate the importance of such powers. Governments and Parliaments enact legislation to deliver public policy and democracy requires that these policies are implemented as intended. When that does not happen, trust in the legitimacy of public bodies and government can fall. Individual complaints may resolve this for individuals but it requires the major investigations to resolve major systemic problems with the implementation of parliamentary decisions.

5. Extend the Ombudsman's jurisdiction to enable the investigation of private health services

- 5.1. It is proposed to extend the ombudsman's powers to allow him to investigate health complaints against private health providers where that private health treatment is part of a combined public/private healthcare pathway. It is not uncommon for individuals to purchase care privately while also receiving publicly provided health care for the same problem. Where complaints arise, issues about responsibility arise and inability to investigate part of the care package inhibits a full and fair investigation. This proposal seeks to remedy that problem.
- 5.2. The ombudsman estimates that only seven complaints per year will arise if this proposed change is implemented. It is assumed that the PSOW is already investigating the public sector element of these complaints so it is an extension of the complaint rather than a new complaint. This being the case, the impact on the ombudsman's resource will be minimal as indicated in the RIA. The only question is, if the ombudsman is allowed to investigate such complaints, whether the number of complaints will rise sharply. This is a matter of untestable opinion. However, it would have to increase sharply to impact significantly upon the ombudsman's ability to conduct the investigations.
- 5.3. No indirect costs for private providers have been identified for this proposal within the RIA and this is a significant omission as it treats private providers differently from public providers of services. The author is unaware of any examples of costs of the potential impact on private providers arising from such a proposal elsewhere. Accepting that it may be difficult to quantify the costs, rather than leave a gap it would have been reasonable to assume that the cost impact of the proposal would be similar to that on which will fall on the public sector. Having said that, if the estimate of seven complaints per year is reasonably accurate then the costs would again be nominal rather than real. As with the public sector due to the low numbers involved it is unlikely that the private providers would recruit additional staff and therefore result in increased costs.

6. Power to undertake a role in relation to complaints-handling standards and procedures

- 6.1. The preferred option for this proposal is to enable the PSOW to provide undertake a complaints design, implementation, oversight and data collection role. This would include:
- Publishing a statement of principles;
 - Publishing a model complaints-handling policy for listed authorities requiring regular consultation with relevant stakeholders; and
 - Requiring bodies to collect and analyse data on complaints.
- 6.2. This would bring the PSOW onto the same footing as the SPSO. The SPSO is a model of good practice in this area. It consulted widely with stakeholders in the production of model complaint handling procedures, which were produced on a sectoral basis. This, inevitably, took time, roughly four years so far, but it has ensured that the CHPs were suitable for the sector in which they were intended to operate and that the sector felt that they were appropriate. Given the concerns of the Welsh NHS Confederation about consistency with *Putting Things Right* this may be an appropriate approach to follow. However, it does mean that implementation will be slower and, therefore, the benefits identified in reduced complaints received by the ombudsman may be delayed.
- 6.3. The direct costs for this activity detailed in Table 20 look reasonable. However, as with the other activities the transition and ‘other staff costs’ look rather excessive. Again, as with own initiative investigations, the professional fees also look excessive at £10,000 per annum. It is not clear from the RIA the nature of the professional advice that is required to support this work and the scale of this advice that is required. **It is suggested that the Ombudsman be asked to provide details on the professional advice he believes is required.**
- 6.4. At present, the RIA only includes costs relating to the alteration of pre-existing databases and IT systems. It is noted that the Welsh Local Government Association has highlighted concerns about the costs

associated with changing the databases used to gather information complaints information without, however, proposing any alternative estimate. Reviewing the information in the Welsh Local Government Association's submission it is suggested that the costs identified are reasonable for the purpose of the RIA.

- 6.5. However, should the PSOW undertake this new role, then there is likely to be other costs incurred by bodies although these are not likely to result in significant additional expenditure for bodies. Assuming an inclusive approach to the development of the CHPs, then there would be costs for those involved with their development. The submission from the Welsh Local Government Association indicates that, previously, they have been involved in similar work with the Ombudsman presumably within current resource. More importantly, once produced and distributed, bodies may well need to update the existing policies and procedures. There would be a need for bodies in jurisdiction to inform and train relevant staff on the new approach to complaint handling. This latter cost should be able to be subsumed in the normal training, development and update processes that exist in well managed organisations, in line with the normal approach to updating staff of revisions in other policies, with the remaining costs likely to be able to be provided from within existing resources.
- 6.6. One of the commonest failings found by ombudsman is the poor handling of complaints at local level. This is problematic for several reasons: it delays justice and closure for the complainant, ensures that potential learning is lost due to the passage of time, and, undermines confidence in the system. It also leads to the cost of 'redoing' activities. Better complaint handling would ultimately reduce costs through fewer complaints being received by the ombudsman than would otherwise have been received and lead to a better service for individuals and the scope for improving services as a result of learning from complaints.
- 6.7. Personal experience gained by the author at the Parliamentary and Health Service Ombudsman indicates that poor complaint handling was one of

the top reasons why complaints were not resolved at a local level and ended up being independently adjudicated. Thus, improving complaint handling is likely to result in reduced complaints reaching the PSOW. Indeed, the Commonwealth Ombudsman in Australia has a particular focus on improving complaint handling within bodies in jurisdiction for the express purpose of improving complaint handling at the local level, thus reducing complaints arriving at his office.

- 6.8. As well as reducing the number of complaints received by the Ombudsman due to better complaint handling by bodies in jurisdiction, there is emerging evidence (as yet unpublished) that better complaint handling at local level results in a significant reduction in the number of enquiries or cases about which the ombudsman cannot act. This emerging evidence suggests a decrease in such cases of up to 10% per annum although this is to be confirmed. Thus, the reduction in complaints being received by the Ombudsman may be greater than estimated. The 10% used within the RIA is suggested to be a realistic minimum that could rise to 12% by 2020-21. Underpinning this assumption is that the PSOW will build on the work undertaken by the SPSO.

7. Financial Summary

- 7.1. There are four proposed additional powers to be granted to the PSOW. Together the resulting increase in workload arising from these proposals, per annum, is:
- Accept oral complaints, 25 cases leading to 6 investigations;
 - Own initiative complaints, 10-15 investigations of which 1-2 will be major;
 - Include the private element of public/private health complaints, 7 cases a year; and,
 - The adoption of a complaints standards authority type role.
- 7.2. The total increase is an additional activity by the PSOW of 19 assessments, 20 ombudsman investigations affecting the public sector, seven investigations affecting the private sector, and one or two major investigations per annum. Whilst it is accepted that this will have some impact on organisations and cause some short term increased activity in many organisations, given that the PSOW currently receives some 7000 cases and undertakes nearly 600 investigations each year this is a small addition in activity and should be able to be absorbed by organisations within existing resource. The figures therefore should be considered as representing the nominal cost of the activities of the ombudsman and not money diverted from the provision of services.
- 7.3. There is uncertainty surrounding the impact on costs affecting the PSOW. The acceptance of oral complaints is likely to increase the number of complaints beyond that estimated in the RIA. Without action, such as a move to online signposting and complaint forms, there is a real risk that the costs associated with this proposal will be greater than thought. There are unlikely to be significant real costs incurred by bodies in jurisdiction arising from the new powers unless the increase in oral complaints is much greater than estimated. In addition, caution should be taken around the potential costs savings arising from complaint handling and own initiative investigations. It is suggested that savings from own initiative

investigations will be lower than estimated while savings from complaint handling may be higher, although secured in a slower timeframe.

8. About the author:

- 8.1. Dr. Gavin McBurnie is a Lecturer in Dispute Resolution at Queen Margaret University. He conducts training in good practice in complaint handling at undergraduate level. He is programme lead on the module on Complaints and Ombuds Techniques as part of Queen Margaret University's MSc in Dispute Resolution. He has conducted training on behalf of the International Ombudsman Institute and the Caribbean Ombudsman Association on complaint handling and investigations. He conducted the Five Year Annual Review for Utilities Disputes Limited in New Zealand and worked with the OECD on the training of complaint staff in anti-corruption complaint management systems in Greece.
- 8.2. He formerly held various Director roles at the Parliamentary and Health Service Ombudsman in England, including Executive Director of Operations (Business Transformation), Director of Systemic Investigations, Director of Complex Health Investigations and Director of Clinical Advice, where he led on several important change projects. One of these was the More Impact for More people which saw the PHSO change their processes and allowed it to increase the number of investigations it investigated each year rise from around 400 investigations year to 4,000 investigations per year. Previously he was a Director at Fife Health Board and at the former North Yorkshire Health Authority for which he had responsibility for the handling of complaints in these organisations. He was also a Clinical Director in a Primary Care Trust.
- 8.3. Originally graduating from Glasgow University with a medical degree and practising as general medical practitioner, he also holds both an MBA and an LLM and is currently researching for a PhD on the methods used by health ombudsmen in their system improvement role.

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

John Griffiths
Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a
Chymunedau

10 Ionawr 2018


Annwyl John,

BIL OMBWDSMON GWASANAETHAU CYHOEDDUS (CYMRU) DRAFFT

Diolch am eich llythyr dyddiedig 12 Rhagfyr 2017 yn gofyn am ragor o wybodaeth am y Bil.

Gweler yn atodedig fy ymateb i'r cwestiynau a godwyd gennych. Os hoffech chi drafod y materion hyn ymhellach, byddwn yn hapus i egluro rhagor yn fy sesiwn dystiolaeth derfynol gerbron y Pwyllgor ddydd Iau, 25 Ionawr 2018.

Yn gywir



Simon Thomas AC

Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Cwestiynau i Simon Thomas AC, yr Aelod sy'n Gyfrifol am y Bil

Adran 5 [Meini prawf ar gyfer ymchwilio ar ei liwt ei hun]

Beth yw ystyr 'methiant systemig' yn y cyd-destun hwn a pham rydych chi wedi dewis peidio â'i ddiffinio at ddibenion y Bil?

Mater i'r Ombwdsmon benderfynu arno yw a oes methiant systemig, yn seiliedig ar ei wybodaeth a'i arbenigedd o fethiannau mewn amryw wasanaethau cyhoeddus (gan gynnwys ei wybodaeth am y cwynion a ddaeth i law, sy'n esbonio'r geiriad ar ddechrau adran 5(2)(b)).

Hefyd, mae angen rhoi rhywfaint o ddisgresiwn i'r Ombwdsmon oherwydd rhaid i'r rheswm sylfaenol dros ymchwilio fod yn gysylltiedig â phobl sy'n dioddef anghyfiawnder neu galedi; ni ddylai'r Bil rwystro'r Ombwdsmon rhag ymchwilio i sefyllfaoedd lle mae pobl yn dioddef anghyfiawnder neu galedi.

Pe byddai'r Bil yn diffinio "methiant systemig" fel un sy'n cwmpasu Amgylchiadau A, B ac C, a phe byddai'r Ombwdsmon yn nodi bod Amgylchiadau X yn rhai a allai achosi i berson ddioddef anghyfiawnder neu galedi, ni fyddai'r Ombwdsmon yn gallu ymchwilio. Byddai methiant yn system awdurdod rhestredig yn cael ei ystyried yn fater difrifol ac mae potensial i lawer o bobl ddioddef anghyfiawnder neu galedi, ac felly dylai fod yn rhywbeth y gellir ymchwilio iddo.

Felly mae'r rhesymau uchod yn ei gwneud hi'n briodol i beidio â diffinio "methiant systemig". Mae Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Gogledd Iwerddon) 2016 hefyd yn defnyddio'r gair "systemig" heb roi diffiniad.

Mae'n werth nodi hefyd na fydd yr Ombwdsmon yn gallu gwthio ystyr "methiant systemig" yn rhy bell; caiff ei gyfyngu gan ei ddyletswydd i weithredu'n rhesymol ac er budd y cyhoedd ac ati.

Adran 8 a 9 [Gofynion: cwynion a wneir i'r Ombwdsmon a Gofynion: cwynion a atgyfeirir at yr Ombwdsmon]

Canllawiau

Pam nad yw'r Bil yn cynnwys unrhyw ofynion yn ymwneud â datblygu'r

canllawiau ar gyfer gwneud cwynion? [Er enghraifft, gofyniad i'r Ombwdsmon ymgynghori cyn cyhoeddi.]

Yr Ombwdsmon sydd yn y sefyllfa orau i ddatblygu canllawiau ar gyfer gwneud cwynion, a rhaid ymddiried yn yr Ombwdsmon i ddatblygu'r canllawiau hynny.

Er enghraifft, bydd y canllawiau yn nodi ffurf cwyn a pha wybodaeth y mae'n rhaid ei chynnwys mewn cwyn. Yr Ombwdsmon sydd ag arbenigedd gan ei fod yn cael miloedd o gwynion ac ef sy'n deall sut i gael y gorau o gŵyn, fel y gall ymchwilio i unrhyw anghyfiawnder neu galedi a ddioddefir gan bobl.

Mae'r dull hwn hefyd yn helpu i ddiogelu'r canllawiau at y dyfodol; mae'n caniatáu i'r Ombwdsmon ddiweddarau'r canllawiau yn ôl y galw ac ystyried amgylchiadau sy'n newid.

[Ymddengys bod y cwestiwn hwn wedi'i anelu at y **ddyletswydd** sydd ar yr Ombwdsmon i baratoi canllawiau ynghylch ffurf cwynion. Mae'r ddyletswydd hon yn ddyletswydd newydd – nid oes dyletswydd ar yr Ombwdsmon wedi'i nodi yn Neddf 2005 i baratoi canllawiau ynghylch ffurf cwynion. (Mae'r Ombwdsmon yn cyhoeddi llyfrynnau ar wneud cwynion ar hyn o bryd, ond mae'n gwneud hyn drwy ddefnyddio ei bwerau cyffredinol **yn ôl disgrisiwn** i wneud pethau sy'n atodol i'w brif bwerau.)

Felly, mae'r ddyletswydd i baratoi canllawiau wedi'i hychwanegu fel haen newydd yn adrannau 8 a 9. Fodd bynnag, mae'r materion sylfaenol yn adrannau 8 a 9 yn sicr wedi'u seilio ar adrannau 5 a 6 o Ddeddf 2005, ac nid yw adrannau 5 a 6 o'r Ddeddf yn gofyn am unrhyw fath o ymgynghoriad, ac nid ydynt wedi gofyn am unrhyw fath o ymgynghoriad ers dros 12 o flynyddoedd.]

Amserlen ar gyfer cwynion

Fel Deddf 2005, mae'r Bil yn cynnwys pŵer dewisol a fyddai'n galluogi'r Ombwdsmon i ystyried cwynion ar ôl y terfyn amser statudol o 12 mis. Pa ystyriaeth a roddwyd i gynyddu'r terfyn amser statudol i gyfnod hwy na 12 mis neu i roi pŵer mwy penodol i'r Ombwdsmon i

amrywio'r dyddiad cau ar gyfer cwynion?

Nid yw'r Bil yn ceisio newid yr egwyddor sylfaenol hon sydd wedi bod yn gymwys (ac wedi gweithio'n dda) o dan Ddeddf 2005 am 12 mlynedd. Ers 2005, mae'r sefyllfa ddiofyn yn cynnwys terfyn 12 mis, gyda phŵer disgresiwn clir a rhesymol i'r Ombwdsmon dderbyn cwynion hŷn. Ni chafwyd unrhyw dystiolaeth bod angen i'r egwyddor sylfaenol hon newid.

Adran 14 [Penderfyniadau a wnaed heb gamweinyddu]

Pam y cyfeirir yn benodol at ofal cymdeithasol yn yr adran hon a sut mae'r darpariaethau yn y Bil yn ymwneud â phwerau a chyfrifoldebau presennol Gofal Cymdeithasol Cymru?

Mae geiriad adran 14 y Bil yn ailddatgan, air am air, adran 12 o Ddeddf 2005. Felly, mae gofal cymdeithasol wedi'i gynnwys yn y cyd-destun hwn ers 2005 ac nid yw'r Bil yn newid hynny mewn unrhyw fodd.

Yn ddarostyngedig i bŵer yr Ombwdsmon i ymchwilio ar ei liwt ei hun, bydd Gofal Cymdeithasol Cymru yn dod o dan Ran 3 o'r Bil yn yr un modd yn union ag y mae Gofal Cymdeithasol Cymru (gan gynnwys ei ragflaenydd, Cyngor Gofal Cymru) yn dod o dan Ran 2 o Ddeddf 2005. Mae hyn yn golygu y gellir ymchwilio i gamweinyddu gan Ofal Cymdeithasol Cymru, gan gynnwys pan fo camweinyddu yn ymwneud â rhinweddau penderfyniad a wnaed o ganlyniad i farn broffesiynol ym maes gofal cymdeithasol.

Nid yw'r Bil yn ceisio newid yr egwyddor sylfaenol hon sydd wedi bod yn gymwys (ac wedi gweithio'n dda) o dan Ddeddf 2005 am 12 mlynedd. Ni chafwyd unrhyw dystiolaeth bod angen i'r egwyddor sylfaenol hon newid.

Adrannau 23 a 24: [Camau gweithredu ar ôl cael adroddiad: ymchwiliad i awdurdod rhestredig neu ddarparwr gwasanaethau iechyd preifat]

Pa sanctiynau fyddai ar gael i Ombwdsmon Gwasanaethau Cyhoeddus Cymru pe na byddai'r awdurdod rhestredig neu'r darparwr gwasanaethau iechyd preifat yn mynd i'r afael â materion neu

argymhellion a wnaed mewn adroddiad a gyhoeddwyd gan yr Ombwdsmon?

Pan fo'r Ombwdsmon yn paratoi / yn cyhoeddi adroddiad cychwynnol o dan adran 20 neu 26, caiff yr Ombwdsmon baratoi / cyhoeddi adroddiad arbennig o dan adran 27. Er enghraifft, os nad yw'r Ombwdsmon yn fodlon â'r camau a gymerodd yr awdurdod rhestredig mewn ymateb i adroddiad adran 20 neu 26, caiff yr Ombwdsmon baratoi / cyhoeddi adroddiad arbennig o dan adran 27.

Unwaith eto, mae hyn yn adlewyrchu'r pwerau sancsiwn sydd wastad wedi bod ar gael i'r Ombwdsmon o dan Ddeddf 2005 ac nid oes bwriad i'r Bil newid yr egwyddor sylfaenol honno.

Yn ogystal, mae adran 33 o'r Bil yn caniatáu i'r Ombwdsmon gyhoeddi canllawiau i awdurdodau rhestredig, ac mae'n rhaid i awdurdodau rhestredig dalu sylw i'r canllawiau hynny (gweler adran 33(3) o'r Bil). Unwaith eto, mae hyn yn ailddatgan yr egwyddor sylfaenol sydd bob amser wedi bod yn gymwys o dan adran 31 o Ddeddf 2005.

Mae'n werth nodi bod adran 25 o'r Bil yn ailddatgan adran 20 o Ddeddf 2005. Ni ddaethpwyd ag Adran 20 o Ddeddf 2005 i rym erioed. Ers drafftio'r Bil, cawsom ar ddeall nad oedd bwriad i gynnwys adran 20 yn Neddf 2005, sy'n esbonio pam nad yw fyth wedi dod i rym. Gan ein bod bellach yn deall nad yw adran 20 o Ddeddf 2005 yn gweithio fel offeryn gorfodi (a dyna pam nad yw fyth wedi dod i rym), derbynnir bod angen dileu adran 25 o'r Bil. Ymddengys mai gwelliant y cynhaliwyd pleidlais arno yn Senedd y DU oedd adran 20 o Ddeddf 2005. Ni ddisgwyliwyd i'r gwelliant hwn gael ei gytuno, ond cytunwyd arno drwy'r bleidlais. Deallwn fod un neu ragor o Aelodau wedi pleidleisio'n groes i'r ffordd yr oeddent wedi bwriadu, a dyna pam y pasiwyd y gwelliant.

Yn olaf, mae'r cwestiwn yn cyfeirio at adran 24 o'r Bil. Fodd bynnag, nid yw adran 24 yn rhoi pwerau sancsiwn i'r Ombwdsmon ei hun. Mae Adran 24 yn gosod dyletswydd ar awdurdodau rhestredig, hynny yw dyletswydd i roi sylw i adroddiadau am ddarparwyr gwasanaethau iechyd preifat a gyhoeddir o dan adran 20(4) cyn ymrwymo i

gontractau gyda darparwyr gwasanaethau iechyd preifat.

RHAN 4: AWDURDODAU RHESTREDIG: GWEITHDREFNAU AR GYFER YMDRIN Â CHWYNION

Beth yw goblygiadau Rhan 4 i'r awdurdodau rhestredig hynny sydd eisoes yn destun y gweithdrefnau cwyno statudol, er enghraifft, cyrff y GIG?

Mae Adran 41(1)(b) o'r Bil yn egluro os yw awdurdod rhestredig yn ddarostyngedig i weithdrefn statudol ar gyfer ymdrin â chwynion, nid oes rhaid i'r awdurdod rhestredig gydymffurfio â gweithdrefn enghreifftiol yr Ombwdsmon ar gyfer ymdrin â chwynion ac nid oes yn rhaid iddo gydymffurfio â datganiad yr Ombwdsmon o egwyddorion, i'r graddau bod y dyletswyddau hynny i gydymffurfio yn anghyson â'r weithdrefn statudol.

Felly, bydd yn rhaid i awdurdodau rhestredig ystyried unrhyw weithdrefn statudol sy'n gymwys iddynt a'i chymharu â gweithdrefn enghreifftiol yr Ombwdsmon ar gyfer ymdrin â chwynion, ac yna dod i benderfyniad am unrhyw anghysonderau.

Gellir osgoi gwrthdaro diangen oherwydd bod y Bil yn ei gwneud yn ofynnol i'r Ombwdsmon ymgynghori ag awdurdodau rhestredig cyn paratoi ei ddatganiad o egwyddorion a chyn cyhoeddi gweithdrefn enghreifftiol ar gyfer ymdrin â chwynion.

Pam nad yw'r Bil yn nodi amserlen ar gyfer ymgynghori a chyhoeddi gweithdrefn enghreifftiol yr Ombwdsmon ar gyfer ymdrin â chwynion?

Mae'r Bil yn rhoi hyblygrwydd i'r Ombwdsmon ddatblygu syniadau ac i ymgynghori'n helaeth cyn y bydd ei bwerau newydd yn dod i rym.

Mae'r Bil yn ailadrodd darpariaethau ymdrin â chwynion Deddf Ombwdsmon Gwasanaethau Cyhoeddus yr Alban 2002, sydd wedi gweithio'n dda.

Mae'r Memorandwm Esboniadol yn pwysleisio y bydd y darpariaethau mewn perthynas ag ymdrin â chwynion yn golygu y bydd data rheolaidd, dibynadwy a chymaradwy am gwynion ar gael ar draws y

sector cyhoeddus. Pa ystyriaeth a roddwyd i gynnwys gofynion penodol yn y Bil mewn perthynas â chasglu data?

Pan fydd yr Ombwdsmon yn cydymffurfio â'r ddyletswydd i fonitro arferion a nodi tueddiadau yn yr arferion, mae Adran 40 o'r Bil yn rhagweld y bydd hyn yn arwain at gasglu gwybodaeth a data ynghylch ymdrin â chwynion.

Mae Adran 40 hefyd yn dweud bod yn rhaid i awdurdodau rhestredig gydweithredu â'r Ombwdsmon pan fo'r Ombwdsmon yn arfer ei ddyletswydd i fonitro arferion a nodi tueddiadau yn yr arferion. Bydd hyn yn sicrhau bod yr Ombwdsmon yn cael y wybodaeth sydd ei hangen arno, a'i fod yn cael data rheolaidd, dibynadwy a chymaradwy am ymdrin â chwynion ar draws y sector cyhoeddus.

Os oes gwahanol weithdrefnau cwyno ar gyfer gwahanol sectorau (a sefydliadau o fewn sectorau) sut y bydd unrhyw ddata sydd ar gael yn cael eu defnyddio i gymharu a chyferbynnu?

Rhagwelir y bydd yr Ombwdsmon yn rhoi sylw i hyn wrth ddatblygu ei weithdrefnau enghreifftiol ar gyfer ymdrin â chwynion, hynny yw os bydd yn datblygu gwahanol weithdrefnau ymdrin â chwynion ar gyfer gwahanol sectorau, yna byddant yn cael eu datblygu yn y fath fodd fel y gall gymharu a chyferbynnu'r data y mae'n eu cael.

Gallai'r materion hyn hefyd gael eu cynnwys yn natganiad yr Ombwdsmon o egwyddorion, y mae'n rhaid i'r Cynulliad ei gymeradwyo.

Mae'n ofynnol i'r Ombwdsmon ymgynghori'n helaeth cyn datblygu gweithdrefnau ymdrin â chwynion a rhaid i'r Cynulliad gymeradwyo'r datganiad o egwyddorion. Gellir defnyddio'r gofynion hyn i helpu i sicrhau y gellir defnyddio data i gymharu a chyferbynnu ar draws gwahanol sectorau.

Fodd bynnag, yn y pen draw, nid yw'r Bil yn rhagnodi ragor o fanylion ynghylch sut y bydd yr Ombwdsmon yn datblygu gweithdrefnau enghreifftiol ar gyfer ymdrin â chwynion.

Mae'r Bil yn ailadrodd darpariaethau ymdrin â chwynion Deddf

Ombwdsmon Gwasanaethau Cyhoeddus yr Alban 2002, sydd wedi gweithio'n dda.

Beth yw goblygiadau Rhan 4 i'r awdurdodau rhestredig hynny sydd eisoes wedi mabwysiadu'r polisi enghreifftiol presennol ar gyfer ymdrin â chwynion yn wirfoddol?

Bydd gofynion statudol Rhan 4 yn drech nag unrhyw weithdrefn wirfoddol. Ond, eto, mae dyletswydd yr Ombwdsmon i ymgynghori yn golygu y gellir symud i unrhyw weithdrefn newydd mor esmwyth â phosibl.

RHAN 5 YMCHWILIO I GWYNION SY'N YMWNEUD Â PHERSONAU ERAILL: GOFAL CYMDEITHASOL A GOFAL LLINIAROL

Allwch chi roi rhagor o fanylion am y cymhlethdodau a nodwyd mewn tystiolaeth lafar wrth integreiddio'r cyfundrefnau ymchwilio yn Rhan 3 a Rhan 5?

Y man cychwyn yw pan gyflwynodd Llywodraeth Cymru Ran 2A yn Neddf 2005 (trwy Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014), byddai arbenigwyr gofal cymdeithasol a lliniarol Llywodraeth Cymru wedi llunio darpariaethau Rhan 2A yn ofalus fel eu bod yn cael eu cymhwyso'n briodol yng nghyd-destun darparwyr cartrefi gofal, darparwyr gofal cartref a darparwyr gofal lliniarol annibynnol.

Gwnaeth Llywodraeth Cymru benderfyniad bwriadol i gynnwys Rhan 2A fel rhan annibynnol o Ddeddf 2005 ac i beidio â dod â gofal cymdeithasol a lliniarol o fewn ymchwiliadau Rhan 2. Mae'n bwysig bod y Bil yn parchu'r gwahaniad hwnnw.

Pe byddai natur benodol Rhan 2A o'r Ddeddf yn cael ei pharchu a'i chadw gan ddod â Rhan 2A hefyd o fewn Rhan 2, yna byddai Rhan 2 wedi bod yn eithriadol o gymhleth.

Er enghraifft:

- Mae Rhan 2 o Ddeddf 2005 yn caniatáu i'r Ombwdsmon ymchwilio i awdurdodau rhestredig, yn amodol ar rai eithriadau.

Mae Rhan 2A o Ddeddf 2005 yn nodi darparwyr gofal cymdeithasol a lliniarol, ac mae iddi ei set ei hun o eithriadau. Byddai uno'r rhain yn golygu bod angen pennu'r ddwy set o eithriadau, gan greu cyfundrefn hirach a mwy cymhleth lle nad yw'n glir pa eithriadau sy'n gymwys i ba gyrff.

- Mae Rhan 2 o Ddeddf 2005 yn seiliedig bron yn llwyr ar gamweinyddu gan awdurdod rhestredig. Fodd bynnag, o dan Ran 2A, nid oes gofyn am gamweinyddu gan ddarparwr gofal cymdeithasol neu liniarol. Felly, pe byddai'r adrannau sy'n ymwneud â "materion y caniateir ymchwilio iddynt" yn cael eu cyfuno, byddai'r gofynion camweinyddu yn gymwys i rai cyrff yn Rhan 2 ond nid i eraill. Yn ogystal, mae'r dull o weithredu yn achos "materion y caniateir ymchwilio iddynt" yn wahanol yn Rhan 2 a Rhan 2A (i'r fath raddau fel nad yw Rhan 2A yn cyfeirio at "faterion y caniateir ymchwilio iddynt"; yn hytrach mae'n cyfeirio at "faterion y mae'r Rhan hon yn gymwys iddynt", sydd â strwythur gwahanol iawn i'r adran gyfatebol yn Rhan 2).
- I gyfuno Rhan 2 o Ddeddf 2005 gyda Rhan 2A o Ddeddf 2005 byddai angen penderfynu pa un a ddylid nodi darparwyr gofal cymdeithasol a lliniarol fel awdurdodau rhestredig ai peidio. Pe baent yn cael eu nodi fel awdurdodau rhestredig, yna byddai'n rhaid gwneud darpariaeth bellach ar gyfer yr awdurdodau rhestredig hynny a oedd yn ddarparwyr gofal cymdeithasol a lliniarol (oherwydd, i barchu natur benodol y darpariaethau gofal cymdeithasol a lliniarol, ni fyddai modd i'r gyfundrefn gyfan ar gyfer awdurdodau rhestredig gael ei chymhwyso *en bloc* i ddarparwyr gofal cymdeithasol a lliniarol). Pe na baent yn cael eu nodi fel awdurdodau rhestredig, yna byddai'r ddarpariaeth gofal cymdeithasol a lliniarol yn cael ei chopio a'i gludo yn Rhan 2, gan greu un Rhan 2 hir iawn a fyddai â dwy gyfundrefn benodol ynddi. Ni fyddai hyn yn helpu pobl i ddeall y Bil - mae'n llawer gwell ac yn gliriach bod y gyfundrefn ar gyfer awdurdodau

rhestredig a'r gyfundrefn ar gyfer darparwyr cymdeithasol a lliniarol yn cael eu cadw ar wahân. Mae hyn hefyd yn parhau â'r gwahaniad presennol yn Neddf 2005 sydd erbyn hyn yn gyfarwydd iawn. Byddai cadw'r cyfundrefnau ar wahân hefyd yn ei gwneud hi'n haws i bob cyfundrefn gael ei diwygio yn y dyfodol.

- Mae Adran 22 o Ddeddf 2005 yn nodi'r amgylchiadau lle caiff yr Ombwdsmon baratoi adroddiad arbennig o dan Ran 2 o Ddeddf 2005. Mae Adran 34O o Ddeddf 2005 yn nodi'r amgylchiadau lle caiff yr Ombwdsmon baratoi adroddiad arbennig o dan Ran 2A o Ddeddf 2005. Mae dull Llywodraeth Cymru o ddrafftio adran 34O yn wahanol i ddull Llywodraeth y DU yn adran 22. I barchu natur benodol y dull o ddrafftio'r ddwy adran, byddai adran newydd sy'n cyfuno adran 22 ac adran 34O wedi bod yn hir ac yn gymhleth.

Pam nad yw Rhan 5 yn cynnwys darpariaeth debyg i adran 24 yn Rhan 3?

Roedd y Pwyllgor Cyllid o'r farn bod Adran 24 yn ffordd addas o gael darparwyr gwasanaethau iechyd preifat i gymryd ymchwiliadau ac adroddiadau'r Ombwdsmon o ddifrif.

O ystyried y cyswllt penodol rhwng: (a) y graddau y mae darparwyr gwasanaethau iechyd preifat yn cael eu cynnwys yn y Bil, a (b) awdurdodau rhestredig (trwy adran 10(2)(c) o'r Bil), ystyriwyd ei bod yn briodol y dylai unrhyw sancsiwn a roddir ar ddarparwyr gwasanaethau iechyd preifat fod yn gysylltiedig ag awdurdodau rhestredig eraill. Ceir y cysylltiad hwnnw yn adran 24, hynny yw mae'n rhaid i awdurdodau rhestredig dalu sylw i adroddiadau a gyhoeddwyd mewn perthynas â darparwyr gwasanaethau iechyd preifat.

Mae Rhan 5 yn rhan benodol o'r Bil, gan ei bod yn ymdrin â gwahanol fathau o gyrff - mae awdurdodau rhestredig yn gyrff gwahanol iawn o gymharu â darparwyr cartrefi gofal, darparwyr gofal cartref a darparwyr gofal lliniarol annibynnol.

Cafodd Rhan 5 ei chynnwys yn Neddf 2005 gan Lywodraeth Cymru (trwy

Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014) fel rhan benodol sy'n ymwneud â darparu gofal cymdeithasol a lliniarol preifat.

Nid yw'r Bil yn ceisio newid y sancsiynau a all godi o dan Ran 5 o'r Bil, gan fod Llywodraeth Cymru wedi dewis y sancsiynau hynny'n ofalus fel rhai addas yng nghyd-destun darparwyr cartrefi gofal, darparwyr gofal cartref a darparwyr gofal lliniarol annibynnol.

RHAN 6 YMCHWILIADAU: ATODOL

Pam rydych chi wedi dewis peidio â chynnwys Ombwdsmon Gwasanaethau Cyhoeddus Gogledd Iwerddon a'r Ombwdsmon Carchardai a Phrofiannaeth yn y rhestr o ombwdsmyrn a nodir yn adran 64?

Mae gan Weinidogion Cymru bwerau o dan Ddeddf 2005 i ychwanegu at y rhestr o bersonau a nodir yn adran 34U o Ddeddf 2005 (a adlewyrchir yn adran 64 o'r Bil). O ystyried nad yw Gweinidogion Cymru wedi defnyddio'r pwerau hyn i ychwanegu Ombwdsmon Gwasanaethau Cyhoeddus Gogledd Iwerddon na'r Ombwdsmon Carchardai a Phrofiannaeth, barnwyd nad oedd yn briodol eu cynnwys yn y Bil.

Fodd bynnag, os bydd trafodion Cyfnod 1 yn dangos y dylai'r rhestr yn adran 64 o'r Bil newid, dylid ystyried hynny yng Nghyfnod 2.

Pa gamau gweithredu y gellid eu cymryd gan gomisiynwyr, cyngorwyr statudol ac Archwilydd Cyffredinol Cymru pe baent yn anghytuno â phenderfyniad yr Ombwdsmon ynghylch perthnasedd mater y mae ef yn ymchwilio iddo i'w gwaith?

Yn syml, caiff comisiynwyr, cyngorwyr statudol, rheoleiddwyr a'r Archwilydd Cyffredinol anghytuno â'r Ombwdsmon. Nid yw'r Bil yn gorfodi'r cyrff hynny i weithio â'r Ombwdsmon.

O ran y cyrff hynny sydd eisoes wedi'u cynnwys yn y cyd-destun hwn o dan Ddeddf 2005, nid yw hyn yn newid.

Er enghraifft, o dan Ddeddf 2005, os oes anghytundeb rhwng, dyweder, yr Ombwdsmon a Chomisiynydd y Gymraeg, yna nid oes dyletswydd arnynt i

weithio gyda'i gilydd – gallant fynd eu ffordd eu hunain ac ymchwilio yn annibynnol.

Fodd bynnag, bydd gosod dyletswydd ar yr Ombwdsmon i hysbysu ac ymgynghori â'r cyrff hyn yn helpu'r cyrff hynny i gydweithio. Mae'r Bil yn ehangu'r cyfle i gydweithio. Er enghraifft, os yw'r Ombwdsmon yn ystyried a ddylid ymchwilio i fater a all fod yn rhywbeth y gall yr Archwilydd Cyffredinol ymchwilio iddo, nid yw Deddf 2005 yn gosod unrhyw ofynion o gwbl ar yr Ombwdsmon i hysbysu'r Archwilydd Cyffredinol. Fodd bynnag, mae'r Bil yn mynd i'r afael â hynny trwy ofyn i'r Ombwdsmon hysbysu ac ymgynghori â'r Archwilydd Cyffredinol pan fo hynny'n briodol. Mae'r un peth yn gymwys i'r ffordd y mae'r Bil yn ehangu'r gofynion i hysbysu ac ymgynghori â chomisiynwyr eraill, cynghorwyr statudol a rheoleiddwyr. Drwy ddod â mwy o bobl at ei gilydd, mae'r Bil yn lleihau'r posibilrwydd o anghytundebau ac ymchwiliadau sy'n gorgyffwrdd.

Yn ogystal, mae'r Ombwdsmon wedi trefnu memoranda o ddealltwriaeth gyda gwahanol gomisiynwyr. Unwaith eto, rhoddir y trefniadau hyn ar waith er mwyn sicrhau dull effeithlon ac effeithiol o weithio. Drwy ei gwneud yn ofynnol i'r Ombwdsmon hysbysu ac ymgynghori â rhagor o gyrff, mae'n debygol y bydd yr Ombwdsmon yn trefnu memoranda o ddealltwriaeth gyda rhagor o gyrff; gall hyn helpu i sicrhau bod unrhyw broblemau'n cael eu datrys yn fwy effeithlon ac effeithiol.

Pa ystyriaeth a roddwyd i ofyn i'r Ombwdsmon ymgynghori â chomisiynwyr, cynghorwyr statudol, rheoleiddwyr ac Archwilydd Cyffredinol Cymru ar bob cynnig ymchwilio fel mater o drefn?

Gallai gwneud ymgynghori'n ofynnol fel mater o drefn arwain at waith diangen ac oedi o ran ymchwiliadau. Er enghraifft, os yw'r Ombwdsmon yn ymchwilio i fater sy'n ymwneud ag iechyd yn unig, ni fyddai'n ymarferol iddo ymgynghori â phob comisiynydd, cynghorydd statudol, rheoleiddiwr a'r Archwilydd Cyffredinol fel mater o drefn.

Dyletswydd yr Ombwdsmon yw ymgynghori yn ôl yr hyn y mae'n ei ystyried yn briodol. Mae'n iawn bod yr Ombwdsmon yn cael y disgrisiwn hwn i ymgynghori pan fo'n briodol o dan amgylchiadau pob ymchwiliad. Mae hyn hefyd yn sicrhau annibyniaeth yr Ombwdsmon ac nid yw'n llyffetheirio'n

ormodol ei ddisgresiwn i ymchwilio i faterion pan fo'n ymwybodol o berson sy'n dioddef oherwydd anghyfiawnder neu galedi.

Mae hyn yn adlewyrchu'r dull cymesur o ymdrin â darpariaethau Deddf 2005 o ran cydlafurio, ac nid yw'r Bil yn ceisio newid y polisi cymesur hwnnw (fel y'i cyflwynwyd gan Lywodraeth Cymru yn Neddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014).

ATODLEN 1

Pa ystyriaeth a roddwyd i wneud y darpariaethau ar gyfer archwilio cyfrifon yr Ombwdsmon yn unol â'r safonau ar gyfer darpariaethau archwilio'r GIG a llywodraeth leol?

Cododd Archwilydd Cyffredinol Cymru fater y cysondeb o ran deddfwriaeth archwilio yn ei [lythyr dyddiedig 6 Hydref 2017](#) yr ymatebais iddo ar [7 Tachwedd 2017](#). Yn fy llythyr rwy'n nodi bod y Pwyllgor Cyllid yn barod i ailystyried y materion a gododd Archwilydd Cyffredinol Cymru yn dilyn cyhoeddi adroddiad Cyfnod 1 y Pwyllgor.

ATODLEN 3

Mae Archwilydd Cyffredinol Cymru ac Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi codi pryderon ynghylch cynnwys Swyddfa Archwilio Cymru fel corff rhestredig o dan Atodlen 3. Sut rydych chi'n ymateb i'r pryderon hyn?

Cododd Archwilydd Cyffredinol Cymru y materion sy'n ymwneud â chynnwys Swyddfa Archwilio Cymru yn Atodlen 3 yn ei [lythyr dyddiedig 6 Hydref 2017](#) yr ymatebais iddo ar [7 Tachwedd 2017](#). Yn fy llythyr rwy'n nodi bod y Pwyllgor Cyllid yn barod i ailystyried y materion a gododd Archwilydd Cyffredinol Cymru yn dilyn cyhoeddi adroddiad Cyfnod 1 y Pwyllgor.

MEYSYDD AMRYWIOL:

Pam rydych chi wedi dewis peidio ag ailddatgan adran 33 o Ddeddf 2005, sy'n gosod gofynion ar awdurdodau rhestredig i roi cyhoeddusrwydd i'r weithdrefn ar gyfer gwneud cwynion i'r Ombwdsmon?

Nid yw adran 33 o Ddeddf 2005 bellach yn angenrheidiol oherwydd

mae wedi cael ei disodli gan Ran 4 o'r Bil. Er bod adran 33 yn rhoi pŵer cyfyngedig i'r Ombwdsmon ymdrin â chwynion, mae Rhan 4 o'r Bil hefyd yn caniatáu ymdrin â chwynion mewn ffordd fwy manwl a phwrpasol.

Pam wnaethoch chi ddewis peidio ag ailddatgan adran 35 ac atodlen 4 o Ddeddf 2005, sy'n rhoi swyddogaethau i'r Ombwdsmon ynghylch ymddygiad aelodau llywodraeth leol – byddai hyn yn darparu darn o ddeddfwriaeth Gymreig wedi'i gydgrynhoi ar rôl Ombwdsmon Gwasanaethau Cyhoeddus Cymru?

Gwnaeth Atodlen 4 i Ddeddf 2005 newidiadau canlyniadol i Ddeddf Llywodraeth Leol 2000 – cyflawnwyd y diwygiadau hynny. Byddai'n ddryslyd ac yn amhriodol i'r diwygiadau hynny gael eu hailddatgan yn y Bil.

O ran adran 35 o Ddeddf 2005, caiff yr adran honno ei harbed gan adran 74(1)(b) o'r Bil (sy'n golygu y bydd y diwygiadau a wneir gan Atodlen 4 yn parhau i fod mewn grym yn awtomatig, ac nad oes angen ailddatgan y diwygiadau bob tro).

Asesiad Effaith Rheoleiddiol:

Mae'r Asesiad Effaith Rheoleiddiol yn nodi bod yr Ombwdsmon, yn y gorffennol, wedi mynd i'r afael â'r cynnydd yn y llwyth achosion drwy ostwng y costau uned fesul cwyn 65 y cant rhwng 2010–11 a 2015–16. Pa sicrwydd sydd gennych y bydd yn gallu sicrhau gostyngiadau pellach gyda chynnydd yn y llwyth achosion yn y dyfodol, gan wneud y Bil yn fforddiadwy yng nghyd-destun ei gyllideb gyffredinol?

Fel y nodir ym mharagraff 11.63 o'r Memorandwm Esboniadol, mae'r Ombwdsmon, hyd yn hyn, wedi ymdopi â'r cynnydd yn y llwyth achosion trwy ostwng pris yr uned fesul cwyn yn hytrach na gofyn am gynnydd cymesur yn y cyllid.

Mae'r Memorandwm Esboniadol yn mynd rhagddo i nodi fod yr Ombwdsmon yn dweud y bydd yn parhau i adolygu arferion gweithio a strwythur y sefydliad i ymdopi â chynnydd yn y llwyth achosion. Mae'r Ombwdsmon o'r farn na fyddai ei swyddfa'n gallu ymdopi â lefel y cynnydd a ragwelir yn y llwyth achosion heb adnoddau ychwanegol. Nid yw'n bosibl amcangyfrif yn

union faint o dwf y gellid ymdopi ag ef gyda'r adnoddau presennol trwy effeithlonrwydd ac arloesi yn y dyfodol. Byddai'n rhaid i'r Ombwdsmon gynnwys ceisiadau ychwanegol am adnoddau yng nghyllidebau blynyddol y dyfodol a gyflwynir i'r Pwyllgor Cyllid.

A allwch egluro'r gwahaniaeth rhwng y costau uned fesul cwyn o £501 ar gyfer 2015-16 a ddefnyddir i gael y costau yn yr Asesiad Effaith Rheoleiddiol a'r costau uned o £613 ar gyfer 2015-16 a nodir yn amcangyfrif diweddaraf yr Ombwdsmon o'i gyllideb? Ydych chi wedi gwneud unrhyw asesiad o'r effaith ariannol y byddai defnyddio'r ffigur o £613 yn ei chael ar gostau ychwanegol y Bil?

Mae'r costau uned o £501, a ddefnyddir i gael y costau yn yr Asesiad Effaith Rheoleiddiol, yn adlewyrchu'r gwariant yr aeth swyddfa'r Ombwdsmon iddo yn 2015-16 ar gyfer Nod 2: *Darparu gwasanaeth ymdrin â chwynion o ansawdd uchel, sy'n ystyried ac sy'n gwneud penderfyniadau ynghylch cwynion yn drylwyr ond yn gymesur, ac sy'n cyfleu penderfyniadau'n glir.* Ystyriwyd mai hwn oedd y ffigur mwyaf rhesymol a phriodol ar gyfer amcangyfrif cost y cynnydd amcanestynedig yn y llwyth achosion.

Mae cyfanswm gwariant yr Ombwdsmon, a ddefnyddir i gyfrifo'r costau uned ar gyfer yr Adroddiad Blynyddol a'r Amcangyfrif, yn cynnwys cost agweddau eraill ar waith yr Ombwdsmon. Er enghraifft, mae'r cyfanswm gwariant yn cynnwys y costau y eir iddynt i wella dyletswyddau mewnol swyddfa'r Ombwdsmon, megis llywodraethu, prosesau busnes a'r swyddogaethau cymorth. Barnwyd nad oedd cost y gweithgareddau hyn yn debygol o amrywio yn sgil y cynnydd amcanestynedig yn y llwyth achosion. O'r herwydd, ni chawsant eu cynnwys wrth gyfrifo'r costau uned at ddibenion paratoi'r Asesiad Effaith Rheoleiddiol.

Yn Nhabl 1 isod mae crynodeb o gostau amcangyfrifedig y cynnydd amcanestynedig yn y llwyth achosion gan ddefnyddio'r costau uned yn yr Asesiad Effaith Rheoleiddiol (£501) ac Adroddiad Blynyddol yr Ombwdsmon (£613). Mae hefyd yn nodi'r ffigurau cyfatebol ar gyfer 2016-17. Ceir rhagor o fanylion yn Atodiad A i'r papur hwn, sy'n cyflwyno'r amcangyfrifon gan ddefnyddio'r un fformat â'r hyn a ddefnyddir yn yr Asesiad Effaith Rheoleiddiol.

Tabl 1: Cost yr amcanestyniad o'r cynnydd yn llwyth achosion yr Ombwdsmon (£)

	Unit cost per complaint (£)			
	£501 ^a Total (5 Years)	£613 ^b Total (5 Years)	£455 ^c Total (5 Years)	£526 ^d Total (5 Years)
2005 Act:				
Increase in caseload of 5 per cent per annum				
Projected caseload (Number of cases)				
Increase year-on-year (Number of cases)				
Estimated additional cost year-on-year (£)	988,974	1,210,062	898,170	1,038,324
Estimated additional cumulative cost from 2018-19 (£)	2,870,229	3,511,877	2,606,695	3,013,454
Increase in caseload of 12 per cent per annum				
Projected caseload (Number of cases)				
Increase year-on-year (Number of cases)				
Estimated additional cost year-on-year (£)	2,910,810	3,561,530	2,643,550	3,056,060
Estimated additional cumulative cost from 2018-19 (£)	8,076,621	9,882,173	7,335,055	8,479,646

Nodiadau:

- a Cost uned fesul achos sy'n deillio o wariant yr aeth yr Ombwdsmon iddo yn 2015–16 ar gyfer Nod 2, *Darparu gwasanaeth ymdrin â chwynion o ansawdd uchel, sy'n ystyried ac sy'n gwneud penderfyniadau ynghylch cwynion yn drylwyr ond yn gymesur, ac sy'n cyfleu penderfyniadau'n glir* [Gwariant (£3,008,000) wedi'i rannu â llwyth achosion (5,999). Ffynhonnell: [Cyfrifon Blynyddol yr Ombwdsmon 2015–16](#)]. Dyma'r costau uned fesul achos a ddefnyddiwyd ar gyfer yr amcangyfrifon o gostau yn yr Aseiad Effaith Rheoleiddiol.
- b Cost uned fesul achos ar gyfer 2015–16 fel y nodwyd yn [Adroddiad Blynyddol a Chyfrifon 2016–17](#) yr Ombwdsmon ac Amcangyfrif 2018–19.
- c Cost uned fesul achos sy'n deillio o wariant yr aeth yr Ombwdsmon iddo yn 2016–17 ar gyfer Nod 1, *Darparu gwasanaeth cwynion o'r safon uchaf, sy'n gymesur ac yn effeithiol* [Gwariant (£3,097,000), wedi'i rannu â llwyth achosion (6,804). Ffynhonnell: [Cyfrifon Blynyddol yr Ombwdsmon 2016–17](#)].
- d Cost uned fesul achos ar gyfer 2016–17 fel y nodwyd yn [Adroddiad Blynyddol a Chyfrifon 2016–17](#) yr Ombwdsmon ac Amcangyfrif 2018–19.

Mae Archwilydd Cyffredinol Cymru wedi dweud y byddai wedi bod yn briodol rhoi ffigurau yn yr Aseiad Effaith Rheoleiddiol ar gyfer osgoi costau o ganlyniad i'r Bil yn seiliedig ar liniaru cynnydd o 5 y cant yn y baich achosion (yn ychwanegol at liniaru cynnydd o 12 y cant sydd wedi'i gynnwys yn yr

Asesiad Effaith Rheoleiddiol). Am ba resymau y gwnaethoch chi ddewis peidio â chynnwys y ffigurau hyn yn yr Asesiad Effaith Rheoleiddiol, ac a allwch chi ddarparu'r ffigurau hyn i'r Pwyllgor?

Amcangyfrif gorau'r Ombwdsmon yw y bydd ei lwyth achosion yn cynyddu 12 y cant y flwyddyn. Yn y cyd-destun hwnnw, mae ei swyddfa wedi amcangyfrif y lliniaru neu'r 'osgoi costau' a fydd yn deillio o'r darpariaethau yn y Bil (yn benodol y pwerau i gynnal ymchwiliadau ar ei liwt ei hun ac i ymgymryd â rôl o ran ymdrin â chwynion).

Wrth baratoi'r Asesiad Effaith Rheoleiddiol, nododd y Pwyllgor Cyllid y dystiolaeth a roddwyd yn ei gyfarfod ar 5 Hydref 2016 gan yr Ombwdsmon mewn perthynas â'i lwyth achosion. Dywedodd yr Ombwdsmon, ar yr adeg honno, y disgwylir i'r llwyth achosion gynyddu rhwng 10 a 12 y cant yn 2016-17 a rhwng 5 a 6 y cant ar gyfer 2017-18 ac o hynny ymlaen.

Er mwyn adlewyrchu'r arfer gorau a darparu dadansoddiad sensitifrwydd, roedd amcangyfrif o gost cynnydd o 5 y cant y flwyddyn yn y baich achosion hefyd wedi'i gynnwys yn yr Asesiad Effaith Rheoleiddiol. Fel y nodwyd, darparwyd yr amcangyfrif ar gyfer 'osgoi costau' dim ond o ran y cynnydd blynyddol amcanestynedig o 12 y cant yn y llwyth achosion.

Yn Nhabl 2 mae amcangyfrif ar gyfer lliniaru'r cynnydd blynyddol amcanestynedig o 5 y cant a ddisgwylir yn sgil y darpariaethau yn y Bil. Yn Nhabl 3 dangosir y gost gysylltiedig ar gyfer y costau uned fesul achos a nodir yn Nhabl 1.

Tabl 2: Amcanestyniad o lwyth achosion yr Ombwdsmon o dan Ddeddf 2005 a'r Bil

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Projected caseload - 2005 Act ^a	5,999	6,804	7,144	7,501	7,876	8,270	8,684	9,118
Projected Caseload - Bill ^b				7,433	7,701	7,575	7,514	7,453
Increase/(Decrease) in caseload (number of cases):				(68)	(175)	(695)	(1,170)	(1,665)
Decrease arising from the proposed power to undertake:								
Own initiative investigations				(23)	(58)	(232)	(390)	(555)
Complaints handling standards and procedures				(45)	(117)	(463)	(780)	(1,110)

Nodiadau:

- a Llwyth achosion gwirioneddol yr Ombwdsmon 2015–16 a 2016–17 a’r amcanestyniadau ar gyfer 2017–18 i 2022–23, sy’n tybio cynnydd blynyddol o 12 y cant yn y llwyth achosion.
- b Amcanestyniadau o’r llwyth achosion i ddangos effaith bosibl darpariaethau’r Bil.

Tabl 3: Osgoi costau sy’n codi o’r darpariaethau yn y Bil (£)

	2018-19	2019-20	2020-21	2021-22	2022-23	Total	
Decrease in caseload:							
Own initiative investigations and Complaints Standards Authority (Number of cases)	(68)	(175)	(695)	(1,170)	(1,665)	(3,773)	
Estimated cost avoidance (£):							
Unit cost, RIA (2015-16, calculated) ^a	£ 501	34,068	87,675	348,195	586,170	834,165	1,890,273
Unit cost, RIA (2015-16, reported) ^b	£ 613	41,684	107,275	426,035	717,210	1,020,645	2,312,849
Unit cost (2016-17, calculated) ^c	£ 455	30,940	79,625	316,225	532,350	757,575	1,716,715
Unit cost (2016-17, reported) ^d	£ 526	35,768	92,050	365,570	615,420	875,790	1,984,598

Nodiadau:

- a Cost uned fesul achos sy’n deillio o wariant yr aeth yr Ombwdsmon iddo yn 2015–16 ar gyfer Nod 2 *Darparu gwasanaeth ymdrin â chwynion o ansawdd uchel, sy’n ystyried ac sy’n gwneud penderfyniadau ynghylch cwynion yn drylwyr ond yn gymesur, ac sy’n cyfleu penderfyniadau’n glir* [Gwariant (£3,008,000) wedi’i rannu â llwyth achosion (5,999). Ffynhonnell: [Cyfrifon Blynyddol yr Ombwdsmon 2015–16](#)]. Dyma’r costau uned fesul achos a ddefnyddiwyd ar gyfer yr amcangyfrifon o gostau yn yr Asesiad Effaith Rheoleiddiol.
- b Cost uned fesul achos ar gyfer 2015–16 fel y nodwyd yn [Adroddiad Blynyddol a Chyfrifon 2016–17](#) yr Ombwdsmon ac Amcangyfrif 2018–19.
- c Cost uned fesul achos sy’n deillio o wariant yr aeth yr Ombwdsmon iddo yn 2016–17 ar gyfer Nod 1, *Darparu gwasanaeth cwynion o’r safon uchaf, sy’n gymesur ac yn effeithiol* [Gwariant (£3,097,000), wedi’i rannu â llwyth achosion (6,804). Ffynhonnell: [Cyfrifon Blynyddol yr Ombwdsmon 2016–17](#)].
- d Cost uned fesul achos ar gyfer 2016–17 fel y nodwyd yn [Adroddiad Blynyddol a Chyfrifon 2016–17](#) yr Ombwdsmon ac Amcangyfrif 2018–

Mae'r Asesiad Effaith Rheoleiddiol yn nodi y disgwylir y bydd yr Ombwdsmon yn cynnal rhwng 10 a 15 o ymchwiliadau ar ei liwt ei hun bob blwyddyn. Wnaethoch chi siarad ag Ombwdsmon Gogledd Iwerddon i ddarganfod faint o achosion ar ei liwt ei hun y mae'n eu cynnal bob blwyddyn i ganfod a yw'r rhagdybiaeth hon, ac felly'r costau a nodir ar gyfer y rhan hon o'r Asesiad Effaith Rheoleiddiol, yn debygol o fod yn gywir?

Yn y Memorandwm Esboniadol nodir i ba raddau yr ymgysylltwyd â rhanddeiliaid wrth gyfrifo costau a manteision y Bil. Roedd hyn yn cynnwys:

- adolygu gwaith ymchwil gan Wasanaeth Ymchwil a Gwybodaeth (RaISe) Cynulliad Gogledd Iwerddon i oblygiadau cost Bil Ombwdsmon Gwasanaethau Cyhoeddus Gogledd Iwerddon.
- ymgynghori ag ombwdsmyrn eraill, gan gynnwys trafodaeth mewn seminar arfer da a drefnwyd ar y cyd gan Gymdeithas yr Ombwdsmyrn, Sefydliad Rhyngwladol yr Ombwdsmyrn a Phrifysgol Aberystwyth.
- adolygu canlyniadau arolwg ar y we o Gynlluniau Ombwdsmyrn ledled Ewrop a hwyluswyd gan Swyddfa Ombwdsmon Iwerddon ar ran Sefydliad Rhyngwladol yr Ombwdsmyrn (IOI).

Dangosodd y canlyniadau fod nifer, math a graddfa ymchwiliadau'r Ombwdsmyrn ar eu liwt ei hunain yn amrywio.

Mewn tystiolaeth a roddwyd gan yr Ombwdsmon i'r Pwyllgor Cyllid yn y Pedwerydd Cynulliad dywedodd fod y pŵer i gynnal ymchwiliadau ar ei liwt ei hun yn bŵer a ddefnyddir yn anfynych i ymchwilio lle mae problem amlwg ond lle nad oes cwyn wedi dod i law, neu'n fwy cyffredin, i ymestyn ymchwiliad i gŵyn i gyrff eraill lle mae'n ymddangos bod y camweinyddu neu'r methiant gwasanaeth yn debygol o fod yn systemig ac yn effeithio ar bobl heblaw'r achwynydd. Cyfeiriodd yr Ombwdsmon hefyd at dystiolaeth papur a luniwyd gan Swyddfa Ombwdsmon Gogledd Iwerddon, *Power to Commence an Own Initiative Investigation*. Soniodd y papur hwn fod yr Ombwdsmon yng Ngweriniaeth Iwerddon wedi cynnal pum adolygiad ar ei liwt ei hun rhwng 2001 a 2010 ar faterion a oedd yn amrywio o

gymorthdaliadau ar gyfer gofal mewn cartref nyrsio, ad-dalu treth i weddwon, taliadau casglu sbwriel a'r hawl i bobl hŷn gael gofal mewn cartref nyrsio.

Fel y soniwyd, mae'r Asesiad Effaith Rheoleiddiol yn nodi bod yr Ombwdsmon yn disgwyl cynnal rhwng 10 ac 15 o ymchwiliadau ar ei liwt ei hun bob blwyddyn. **Dim ond un neu ddau o'r rhain y disgwylir iddynt fod yn ymchwiliad, oherwydd pryderon, i sector cyfan, neu ran o sector, sy'n darparu gwasanaeth (cyfeirir at hyn yn yr Asesiad Effaith Rheoleiddiol fel 'Senario D').** Disgwylir i'r gweddill gael eu cynnal mewn ymateb i gŵyn ddienw neu ymestyn ymchwiliad i gŵyn sy'n bodoli eisoes. Fel y nodwyd ym mharagraff 11.36 o'r Memorandwm Esboniadol, mae'r amcangyfrifon yn adlewyrchu nifer o ragdybiaethau sy'n seiliedig ar brofiad staff yr Ombwdsmon a dadansoddiad ei swyddfa o'r achosion. O'r herwydd, ystyrir mai amcangyfrifon gorau yw nifer yr ymchwiliadau ar ei liwt ei hun a'r gost gysylltiedig o'u cynnal.

Dylid nodi bod Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Gogledd Iwerddon) wedi'i dod i rym yn 2016, ond na fydd y pwerau i gynnal ymchwiliadau ar ei liwt ei hun yn cychwyn tan fis Ebrill 2018.

Mae'r Archwilydd Cyffredinol hefyd yn tynnu sylw at y ffaith bod yr arbedion a ragwelir yn sgil ymdrin yn well â chwynion yn seiliedig ar adroddiad y Rheolwr a'r Archwilydd Cyffredinol ar ymdrin â chwynion yn Adran Gwaith a Phensiynau Llywodraeth y DU. Sut fydddech chi'n ymateb i'w safbwynt bod cryn ansicrwydd wrth ragdybio arbedion o'r fath, ac y dylid adlewyrchu hyn yn gryfach yn yr Asesiad Effaith Rheoleiddiol?

Mae cryn ansicrwydd wrth ragdybio arbedion ac am y rheswm hwn nid yw'r Asesiad Effaith Rheoleiddiol yn eu mesur.

Mae'r crynodeb o'r amcangyfrif o gostau a manteision ym Mhennod 9 o'r Memorandwm Esboniadol yn nodi fel a ganlyn: "mae'r Asesiad Effaith Rheoleiddiol wedi nodi ystod o fanteision posibl i aelodau'r cyhoedd a chyrrff cyhoeddus o fewn yr awdurdodaeth sy'n deillio o ddarpariaethau'r Bil. Mae'r manteision nas cyfrifwyd wedi'u nodi yn yr adran Opsiynau Polisi yn yr Asesiad Effaith Rheoleiddiol."

Mae paragraffau 11.21 i 11.58 o'r Memorandwm Esboniadol yn cynnwys gwybodaeth am y rhagdybiaethau a'r ansicrwydd sy'n gysylltiedig â chostau a manteision y Bil. Nodir nad yw'n bosibl darogan pa gyrff cyhoeddus y bydd y cynnydd mewn llwyth achosion yn y dyfodol yn berthnasol iddynt. Nid oes modd gwybod ychwaith beth gaiff y budd mwyaf yn sgil y gwelliannau o ran ymdrin â chwynion a dysgu cyflymach a haws o'r cwynion.

Mae paragraff 11.137 o'r Memorandwm Esboniadol yn nodi fod arbedion posibl o ymdrin â chwynion yn well ar gyfer cyrff sydd o fewn awdurdodaeth yr Ombwdsmon. Mae'n cyfeirio hefyd, fel enghraifft, at yr arbedion posibl a allai ddeillio o ymdrin â chwynion yn well ar gyfer yr Adran Gwaith a Phensiynau fel y nodwyd gan Reolwr ac Archwilydd Cyffredinol y Swyddfa Archwilio Genedlaethol. **Fodd bynnag, nid yw'r Asesiad Effaith Rheoleiddiol yn cynnwys amcangyfrif o werth yr arbedion a allai ddeillio o'r ddarpariaeth arfaethedig hon yng Nghymru.**

A ydych yn cytuno â safbwynt yr Archwilydd Cyffredinol bod paragraffau 9 a 10 o Atodlen 1 i'r Bil yn codi gwariant ar Gronfa Gyfunol Cymru, ac am ba reswm y mae'r Memorandwm Esboniadol yn mynegi barn wahanol?

Mynegodd Archwilydd Cyffredinol Cymru y safbwynt hwn yn ei lythyr dyddiedig 6 Hydref 2017 yr ymatebais iddo ar 7 Tachwedd 2017. Mae fy llythyr yn nodi fod y Pwyllgor Cyllid yn fodlon ailedrych ar y mater hwn eto yn dilyn cyhoeddi adroddiad Cyfnod 1 gan y Pwyllgor.

A ydych yn bwriadu diwygio'r Memorandwm Esboniadol mewn modd sy'n caniatáu i Reol Sefydlog 26.6 (xi) gael ei bodloni, drwy gynnwys safbwyntiau'r Archwilydd Cyffredinol fod y darpariaethau ar gyfer taliadau uniongyrchol ym mharagraffau 9 a 10 o Atodlen 1 i'r Bil yn briodol a thrwy gynnwys y ddarpariaeth ychwanegol y mae'n ei hawgrymu?

Fel y nodwyd uchod, yn fy llythyr i'r Archwilydd Cyffredinol rwy'n nodi bod y Pwyllgor Cyllid yn fodlon ailedrych ar y mater hwn eto yn dilyn cyhoeddi adroddiad Cyfnod 1 gan y Pwyllgor.

Wrth amcangyfrif costau ychwanegol y Bil i gyrff cyhoeddus rydych chi wedi tybio y bydd cyflogau staff yn cynyddu 1 y cant bob blwyddyn i adlewyrchu'r costau byw. Pa mor realistig yr ydych chi'n ystyried yr amcangyfrifon hyn o

ystyried y posibilrwydd y gallai rhai sefydliadau sy'n cael eu cynnwys yn y Bil godi'r cap ar gyflogau'r sector cyhoeddus?

Credwn fod y dull gweithredu a gynigir yn rhesymol o ystyried y cyni parhaus yng nghyllid cyhoeddus y DU. Cafodd cyflog y sector cyhoeddus ei rewi am ddwy flynedd yn 2010 (ac eithrio'r rheini a oedd yn ennill llai na £21,000 y flwyddyn), ac ers 2013 mae'r cynnydd wedi'i gapio ar 1 y cant. Er bod y cap wedi'i godi ar gyfer rhai rhannau o sector cyhoeddus y DU (ar gyfer yr heddlu a swyddogion carchardai), credwn mai rhesymol fyddai tybio y bydd yn parhau yn ei le ar gyfer gweddill y sector cyhoeddus.

Rydych hefyd wedi amcangyfrif y bydd staff yr Ombwdsmon yn cael cynnydd blynyddol o 1 y cant yn eu cyflogau i adlewyrchu'r costau byw. Pa ystyriaeth yr ydych chi wedi'i rhoi i'r posibilrwydd y bydd ei staff yn cael mwy o gynnydd na hyn ar ryw adeg yn ystod y pum mlynedd ar ôl i'r Bil ddod i rym, a allai arwain at gostau i'r Ombwdsmon sy'n fwy na'r rhai a nodir yn yr Asesiad Effaith Rheoleiddiol?

Fel y nodwyd uchod, credwn mai rhesymol fyddai tybio o hyd y bydd y cap ar gyflogau'r sector cyhoeddus yn parhau yn ei le ar gyfer y rhan fwyaf o'r sector cyhoeddus.

Er gwybodaeth, yn Nhabl 4 dangosir gwerth y cynnydd blynyddol o 1 y cant ar gyfer blynyddoedd 1 i 5, a adlewyrchir ar hyn o bryd yn yr amcangyfrifon o gostau uniongyrchol ac anuniongyrchol yn yr Asesiad Effaith Rheoleiddiol, y gellir eu defnyddio ar gyfer dadansoddi sensitifrwydd.

Tabl 4: Cost y cynnydd blynyddol o un y cant mewn cyflog, Blynyddoedd 1–5 (£)

	Direct Costs	Indirect costs		Total	
		Low unit cost	High unit cost	Low unit cost	High unit cost
Accept oral complaints	3,534	1,632	2,209	5,166	5,743
Enable own initiative investigations	11,617	1,748	3,268	13,365	14,885
Extend jurisdiction to investigate the private health service element in a public/private health service pathway ^a	-	-	-	-	-
Complaints design, implementation oversight and data collection role ^b	11,617			11,617	11,617
Total	26,768	3,380	5,477	30,148	32,245

Nodiadau

a Fel y nodwyd ym mharagraff 11.107 o'r Memorandwm Esboniadol,

defnyddiwyd y costau uned fesul achos i amcangyfrif yr effaith ariannol ar yr Ombwdsmon o ymchwilio i'r elfen gwasanaeth iechyd preifat mewn llwybr gwasanaeth iechyd cyhoeddus/preifat. Ni amcangyfrifwyd effaith cynnydd yng nghostau cyflog staff ar y costau uned. Nid yw'r effaith ar ddarparwyr iechyd preifat (y 'gost anuniongyrchol') yn hysbys (paragraff 11.57 o'r Memorandwm Esboniadol).

- b Fel y nodwyd ym mharagraff 11.128 o'r Memorandwm Esboniadol, mae'n debygol y bydd yr effaith ariannol ar gyrff cyhoeddus o ran dylunio, gweithredu, a goruchwyllo cwynion ynghyd â chasglu data, yn gysylltiedig â chostau untro (neu gostau pontio) i newid systemau data a TG sy'n bodoli eisoes. Rydym wedi tybio y bydd costau o'r fath yn digwydd yn ystod y flwyddyn gyntaf ar ôl i'r Bil ddod yn ddeddf (paragraff 11.23 o'r Memorandwm Esboniadol) ac felly nid yw'r amcangyfrifon o'r costau yn cynnwys cynnydd ar gyfer 'costau byw'.

Mae Cydffederasiwn GIG Cymru yn mynegi pryder nad oes fframwaith ariannol cyson ar gyfer gosod cosbau ariannol ar sefydliadau yn sgil ymchwiliadau'r Ombwdsmon. A fydddech chi'n ystyried defnyddio'r Bil hwn i gyflwyno fframwaith ariannol cyson at y diben hwn?

Nid yw'r Ombwdsmon yn gosod cosbau ariannol. Felly nid yw fframwaith ariannol yn berthnasol ac nid yw'n ofynnol yn y Bil. Pan fydd yr Ombwdsmon yn canfod bod camweinyddu neu fethiant yn y gwasanaeth ar ran corff sydd wedi achosi anghyfiawnder i unigolyn, mae'n argymhell bod y corff yn cymryd camau i unioni'r anghyfiawnder hwnnw. Gall hyn gynnwys iawndal ond gwneir hyn fesul achos unigol.

Mae eich amcangyfrifon o'r costau ychwanegol yn y rhan o'r Bil sy'n caniatáu i'r Ombwdsmon ystyried achosion gydag elfen gofal iechyd preifat yn seiliedig ar ddim newid o 1 y cant o lwyth achosion yr Ombwdsmon a gynrychiolir gan hyn ar hyn o bryd. Pam nad ydych yn credu y bydd angen i'r Ombwdsmon ymchwilio i fwy na 7 achos y flwyddyn yn ymwneud â'r sector gofal iechyd preifat o ganlyniad i'r Bil, o ystyried y posibilrwydd y gallai mwy o ymwybyddiaeth o'r ddarpariaeth hon arwain efallai at gostau cysylltiedig ychwanegol?

Mae'r Bil yn diffinio'r amgylchiadau lle caiff yr Ombwdsmon ymchwilio i

wasanaethau iechyd preifat, gan gyfyngu hyn i achosion mewn llwybr iechyd cyhoeddus/preifat a lle "na ellir ymchwilio'n effeithiol nac yn gyflawn i faterion sy'n ymwneud â'r camau gweithredu perthnasol heb hefyd ymchwilio i faterion sy'n ymwneud â'r gwasanaethau iechyd preifat".

Mae'r amcangyfrif o nifer yr achosion yn adlewyrchu'r diffiniad cul hwn, yn ogystal â'r rhagdybiaethau sy'n seiliedig ar brofiad staff yr Ombwdsmon a dadansoddiad ei swyddog o'r achosion. Gwelir hyn fel yr amcangyfrif gorau.

Mae'r Asesiad Effaith Rheoleiddiol yn nodi na fu'n bosibl amcangyfrif y costau ychwanegol i ddarparwyr gofal iechyd preifat o ganlyniad i'r Bil. Pa drafodaethau a gawsoch gyda darparwyr preifat neu eu cyrff cynrychiadol i geisio pennu lefel y costau y gallent fynd iddynt?

Fel y nodwyd ym mharagraff 11.57 o'r Memorandwm Esboniadol, dywed yr Ombwdsmon nad oes ganddo fynediad, na'r hawl i gael mynediad at y manylion am nifer y cwynion, a'r costau sy'n gysylltiedig â hwy, a wnaed am wasanaethau iechyd preifat. Mae Gwasanaeth Annibynnol Dyfarnu ar Gwynion y Sector Gofal Iechyd (ISCAS) yn dyfarnu'n annibynnol ar gwynion cleifion ynghylch aelodau ISCAS ond nid yw hyn yn cwmpasu'r holl ddarparwyr gofal iechyd preifat.

Nid yw'r wybodaeth arall sydd wedi'i chyhoeddi yn cwmpasu'r holl ddarparwyr gofal iechyd preifat, ac nid yw'n dangos ar wahân unrhyw gostau sy'n ymwneud â Chymru. O ystyried hyn, mae'r Asesiad Effaith Rheoleiddiol yn nodi na fu'n bosibl amcangyfrif gwerth y costau uniongyrchol ac felly nad yw'r effaith ar ddarparwyr gwasanaeth iechyd preifat, o ran costau, yn hysbys. Fodd bynnag, mae nifer yr achosion yn isel iawn.

Ym mis Mawrth 2017, dywedodd cynrychiolydd o OB3 wrth y Pwyllgor Cyllid fod cyfyngiadau arwyddocaol o ran yr wybodaeth sydd ar gael i fwydo amcangyfrifon cadarn o gostau a manteision anuniongyrchol y Bil i sefydliadau eraill yn y sectorau cyhoeddus a phreifat. I ba raddau y mae'r gwaith a wnaed ers hynny yn rhoi sicrwydd ichi fod y costau ychwanegol i'r cyrff hynny a nodir yn yr Asesiad Effaith Rheoleiddiol yn amcangyfrifon cadarn a chywir?

Bu'r Pwyllgor Cyllid yn trafod yr Asesiad Effaith Rheoleiddiol dechreuol yn ei

gyfarfod ar 9 Mawrth 2017. Cydnabu'r Aelodau'r heriau a'r cyfyngiadau o ran mesur costau'r pwerau newydd oherwydd nad oes digon o dystiolaeth a data ar gael. Nodwyd sylwadau'r Ombwdsmon y gellid ystyried bod yr ymchwil ychwanegol sydd ei hangen i gael rhagor o ddata yn anghymesur. Fodd bynnag, daeth yr Aelodau i'r casgliad, gan mai prif rôl y Pwyllgor Cyllid yw ystyried gwariant o Gronfa Gyfunol Cymru, roedd yn hanfodol bod unrhyw Fil a gyflwynir yn cynnwys costau a mesuriadau manwl. Felly, gofynnodd y Pwyllgor Cyllid am wybodaeth ychwanegol gan yr Ombwdsmon i ddiwallu ei safonau ei hun a hefyd y rhai sy'n ofynnol i gydymffurfio â Rheolau Sefydlog Cynulliad Cenedlaethol Cymru.

Darparwyd yr wybodaeth hon, ynghyd ag ymatebion i geisiadau dilynol a wnaed gan y Pwyllgor Cyllid, gan yr Ombwdsmon. **Fel y nodwyd yn y Memorandwm Esboniadol, bu staff yr Ombwdsmon ac OB3 yn ymwneud ag amrywiaeth o randdeiliaid, gan gynnwys rhai cyrff cyhoeddus yr effeithir arnynt gan y darpariaethau yn y Bil, wrth gasglu gwybodaeth ar gyfer paratoi'r Asesiad Effaith Rheoleiddiol. Defnyddiwyd y wybodaeth ychwanegol a ddarparwyd i baratoi'r amcangyfrifon o gostau yn yr Asesiad Effaith Rheoleiddiol.** Hefyd, adolygodd OB3 yr ymatebion i ymchwiliad ac ymgynghoriad y Pwyllgor Cyllid yn y Pedwerydd Cynulliad mewn perthynas ag ystyried pwerau'r Ombwdsmon. Ar y sail hon, rydym o'r farn mai dyma'r amcangyfrifon gorau o'r costau.

Mae'r Archwilydd Cyffredinol yn nodi na all ymrwymo'i olynydd i ymgymryd ag archwiliad i ddefnydd yr Ombwdsmon o adnoddau fel rhan o'r adolygiad o'r Bil ar ôl ei weithredu. Ydych chi'n credu y bydd angen ichi ailedrych ar eich cynlluniau ar gyfer adolygiad ôl-weithredu yn sgil hyn?

Y bwriad oedd y byddai gwaith Archwilydd Cyffredinol Cymru mewn perthynas â'r Ombwdsmon – megis y farn archwilio ar yr adroddiad blynyddol a'r cyfrifon ac unrhyw adroddiadau eraill a allai fod yn berthnasol – yn cael ei ystyried fel rhan o'r adolygiad ôl-weithredu. Nid oedd yn fwriad i geisiadau penodol am adolygiadau neu waith archwilio ychwanegol gael eu gwneud at y diben hwn. Mae'r Pwyllgor Cyllid yn fodlon ystyried a oes angen unrhyw welliannau i'r Memorandwm Esboniadol i wneud hyn yn gliriach ar ôl i'r Pwyllgor gyhoeddi adroddiad Cyfnod 1.

A ydych o'r farn ei bod yn briodol fod y Pwyllgor Cyllid yn craffu ar waith yr Ombwdsmon o ran y costau yr eir iddynt wrth weithredu darpariaethau'r Bil fel rhan o'r adolygiad ôl-weithredu o ystyried rôl y Pwyllgor Cyllid yn cyflwyno'r Bil a goruchwylio ei hynt drwy'r Cynulliad? Oni fyddai'n well bod Pwyllgor arall yn y Cynulliad yn gwneud hyn?

Er mai'r Pwyllgor Cyllid gyflwynodd y Bil, nid yw hynny'n effeithio mewn unrhyw fodd ar ei allu i gyflawni swyddogaethau'r pwyllgor cyfrifol a nodir yn Rheolau Sefydlog 18.10, 18.11, 19 a 20 Cynulliad Cenedlaethol Cymru.

Mae'r Archwilydd Cyffredinol wedi awgrymu y byddai o gymorth pe bai'r terfyn amser o bedwar mis ar gyfer gosod cyfrifon blynyddol yr Ombwdsmon ar ôl iddynt gael eu cyflwyno iddo yn cael ei ddileu. A fyddech chi'n fodlon diwygio adran 17 (2) (b) o Atodlen 1 i'r Bil i ddileu'r gofyniad hwn?

Mae Adroddiad y Pwyllgor Cyllid ar yr oedi o ran cyflwyno Cyfrifon Blynyddol Cyfoeth Naturiol Cymru ar gyfer 2015-16 gan Archwilydd Cyffredinol Cymru wedi nodi materion mewn perthynas â'r ddarpariaeth pedwar mis ar gyfer cyflwyno adroddiadau, sef yr hyn y mae'r Archwilydd Cyffredinol yn cyfeirio ato yn ei dystiolaeth ysgrifenedig.

Mae'r Pwyllgor Cyllid yn fodlon ailedrych ar y mater hwn eto pan fydd y Pwyllgor wedi cyhoeddi adroddiad Cyfnod 1.

Atodiad A – Costau uned yr Ombwdsmon fesul achos

Yn yr Atodiad hwn, rydym yn cynnwys y tablau sydd ar gael yn yr Asesiad Effaith Rheoleiddiol ar gyfer ffigurau'r costau uned fesul achos fel y nodir ym mhrif gorff y papur hwn.

Tabl 7: Cost yr amcanestyniad o'r cynnydd yn llwyth achosion yr Ombwdsmon (£)

COSTAU UNED FESUL CWYN, £613

Unit cost per complaint (£)	613					
	2018-19	2019-20	2020-21	2021-22	2022-23	Total
2005 Act:						
Increase in caseload of 5 per cent per annum						
Projected caseload (Number of cases) ^d	7,501	7,876	8,270	8,684	9,118	41,449
Increase year-on-year (Number of cases)	357	375	394	414	434	1,974
Estimated additional cost year-on-year (£) ^e	218,841	229,875	241,522	253,782	266,042	1,210,062
Estimated additional cumulative cost from 2018-19 (£)	218,841	448,716	690,238	944,020	1,210,062	3,511,877
Increase in caseload of 12 per cent per annum						
Projected caseload (Number of cases) ^f	8,535	9,559	10,706	11,991	13,430	54,221
Increase year-on-year (Number of cases)	915	1,024	1,147	1,285	1,439	5,810
Estimated additional cost year-on-year (£) ^e	560,895	627,712	703,111	787,705	882,107	3,561,530
Estimated additional cumulative cost from 2018-19 (£)	560,895	1,188,607	1,891,718	2,679,423	3,561,530	9,882,173

COSTAU UNED FESUL CWYN, £455

Unit cost per complaint (£)	455					
	2018-19	2019-20	2020-21	2021-22	2022-23	Total
2005 Act:						
Increase in caseload of 5 per cent per annum						
Projected caseload (Number of cases)	7,501	7,876	8,270	8,684	9,118	41,449
Increase year-on-year (Number of cases)	357	375	394	414	434	1,974
Estimated additional cost year-on-year (£)	162,435	170,625	179,270	188,370	197,470	898,170
Estimated additional cumulative cost from 2018-19 (£)	162,435	333,060	512,330	700,700	898,170	2,606,695
Increase in caseload of 12 per cent per annum						
Projected caseload (Number of cases)	8,535	9,559	10,706	11,991	13,430	54,221
Increase year-on-year (Number of cases)	915	1,024	1,147	1,285	1,439	5,810
Estimated additional cost year-on-year (£)	416,325	465,920	521,885	584,675	654,745	2,643,550
Estimated additional cumulative cost from 2018-19 (£)	416,325	882,245	1,404,130	1,988,805	2,643,550	7,335,055

COSTAU UNED FESUL CWYN, £526

Unit cost per complaint (£)	526					
	2018-19	2019-20	2020-21	2021-22	2022-23	Total
2005 Act:						
Increase in caseload of 5 per cent per annum						
Projected caseload (Number of cases) ^d	7,501	7,876	8,270	8,684	9,118	41,449
Increase year-on-year (Number of cases)	357	375	394	414	434	1,974
Estimated additional cost year-on-year (£) ^e	187,782	197,250	207,244	217,764	228,284	1,038,324
Estimated additional cumulative cost from 2018-19 (£)	187,782	385,032	592,276	810,040	1,038,324	3,013,454
Increase in caseload of 12 per cent per annum						
Projected caseload (Number of cases) ^f	8,535	9,559	10,706	11,991	13,430	54,221
Increase year-on-year (Number of cases)	915	1,024	1,147	1,285	1,439	5,810
Estimated additional cost year-on-year (£) ^e	481,290	538,624	603,322	675,910	756,914	3,056,060
Estimated additional cumulative cost from 2018-19 (£)	481,290	1,019,914	1,623,236	2,299,146	3,056,060	8,479,646



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref:

John Griffiths AC
Cadeirydd
Y Pwyllgor Cydraddoldeb a Llywodraeth Leol
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd
CF99 1NA

17 Ionawr 2018

Annwyl John

Yn ystod fy sesiwn dystiolaeth mewn perthynas â chraffu ar Fil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) y Pwyllgor Cyllid ar 11 Ionawr 2018, ymrwymais i ysgrifennu atoch ynghylch dau fater. Roedd y cyntaf ynghylch a yw adrannau 40 a 41 o'r Bil yn darparu digon o amddiffyniad i'r fframwaith statudol sy'n sail i *Gweithio i Wella* a chwynion gofal cymdeithasol. Roedd yr ail yn ymwneud â materion technegol yn adran 8 o'r Bil (chwynion ar lafar).

Adrannau 40 a 41

Mae Adran 40 o'r Bil yn ei gwneud yn ofynnol i Ombwdsmon Gwasanaethau Cyhoeddus Cymru fonitro'r ffordd y mae awdurdodau rhestredig yn ymdrin â chwynion.

'*Gweithio i Wella*' yw'r weithdrefn gwyno ar draws GIG Cymru, ac fe'i gwnaed dan Reoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) 2011; sydd yn eu tro wedi'u gwneud dan adran 133 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 ("Deddf 2003"). Gwnaed gweithdrefn gwyno statudol ar gyfer gofal cymdeithasol hefyd dan Reoliadau Gweithdrefn Gwynion y Gwasanaethau Cymdeithasol (Cymru) 2014; sydd yn eu tro wedi'u gwneud dan adran 114 o Ddeddf 2003 (wedi'i diddymu mewn perthynas â Chymru, ond mae'r Rheoliadau a wnaed oddi tani yn parhau i fod yn berthnasol i Gymru drwy rinwedd adran 17(2)(b) o Ddeddf Ddehongli 1978).

Mae'r gweithdrefnau hynny'n gosod paramedrau ynghylch sut y dylid ymdrin â chwynion yn y sectorau hynny, a'r iawn y dylid ei ddyfarnu ac ati. Mae'r Ddeddfwrfa (Senedd y Deyrnas

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 166
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Unedig yn wreiddiol, ond bellach Cynulliad Cenedlaethol Cymru gan fod y materion hyn wedi'u datganoli) wedi ymddiried y cyfrifoldeb dros osod y paramedrau hynny i Weinidogion Cymru; ond y cyrff iechyd a'r awdurdodau lleol eu hunain ddylai sefydlu gweithdrefnau cwyno. Yn y sector gofal cymdeithasol, gall pob awdurdod lleol wneud cynllun ei hun, ond rhaid iddo gydymffurfio â'r Rheoliadau.

Mae'r Bil fel y mae wedi'i ddrafftio ar hyn o bryd yn gosod y cyfrifoldeb ar yr awdurdod rhestredig i sicrhau nad yw'n gweithredu'n anghydnaws ag unrhyw ddeddfiad arall (gweler adran 41). Yn ein barn ni, byddai'n fwy priodol i'r cyfrifoldeb fod ar Ombwdsmon Gwasanaethau Cyhoeddus Cymru (yr Ombwdsmon) i sicrhau nad yw'r canllawiau sy'n cael eu rhoi gan y Swyddfa honno'n gwrthdaro â'r ddeddfwriaeth sy'n gosod paramedrau cynlluniau statudol, na'r cynlluniau statudol sy'n cael eu gwneud oddi tanynt.

Adran 8

Mae rhai materion technegol yn codi gyda drafftio adran 8(5).

Mae is-adran (5) yn gwahardd yr Ombwdsmon rhag defnyddio'r pwerau dan adran 3 i ymchwilio i gŵyn ar lafar sy'n bodloni gofyniad is-adran (1), hynny yw cwyn "a wnaed yn briodol", os nad yw'r achwynydd yn dymuno iddo wneud hynny. Nid oes unrhyw beth i'w weld yn gwahardd yr Ombwdsmon rhag defnyddio pwerau dan adran 4 i ymchwilio i'r gŵyn, fodd bynnag, ac ymddengys bod hyn yn golygu bod y gwaharddiad yn ddiwerth.

Dyma un o nifer o bryderon y mae swyddogion y Llywodraeth wedi'u nodi, a fydd o bosib angen nifer o welliannau yn ystod cyfnodau 2 a 3. Bydd swyddogion Llywodraeth Cymru yn parhau i gydweithio'n agos â'u cydweithwyr yn y Cynulliad Cenedlaethol i sicrhau bod y pryderon hynny'n cael sylw priodol.

Yn gywir



Mark Drakeford AC/AM

Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

Eitem 7.3

- We believe clarity should be provided around how far the role of the PSOW extends to the tribunals listed below in so far as they relate to public services in Wales and if the remit of the PSOW does not extend to these bodies consideration should be given to include them:
 - Special Educational Needs Tribunal for Wales
 - Residential Property Tribunal Wales
 - Mental Health Review Tribunal Wales
 - Welsh Language Tribunal
- 1. We note that currently devolved tribunals in Wales do not come under the remit of the Public Services Ombudsman for Wales (these are not included in the list of organisations specified within the Bill).
- 2. We recognise that there is a right of appeal to the Upper Tribunal for the tribunals referenced above and understand that further to this individuals could go through the court system if they still felt their issue had not been addressed.

3. However we believe that the tribunal system, although meant to be less adversarial than the courts, remains difficult for individual citizens to navigate and often the other party in the matter (which may be a private business, but in the case of any role for the Ombudsman we refer to public authorities, namely local authorities) will have corporate legal representation, which can often be intimidating for individual claimants.
4. The point we wish to raise therefore, is more of a question as to if these tribunals are fully excluded from the remit of the Ombudsman (as appears the case currently), if there should be any role for the Ombudsman in future.
5. We do not have a detailed understanding of how all the differing devolved tribunals currently operate their appeals and complaints procedures, however we do feel there may be value in the issue being considered further, perhaps particularly in relation to administration.
6. We recall that a couple of years ago the Welsh Government was considering a review of devolved tribunals in Wales. We aren't clear whether this ever happened and if so if there were any issues raised regarding appeals and complaints procedures of these bodies?
7. From our analysis of the information made publically available by the tribunals, reference is given to the Upper Tribunal, but further detail does not seem to be provided about what to do if you are unhappy with the decision of this. In addition, we only note that one tribunal, the Mental Health Review Tribunal for Wales, makes specific reference to a different avenue for complaints that relate to how individuals felt they were treated or how the hearing was conducted, as detailed below:

If you are unhappy about how you were treated by the Tribunal members or staff or how the hearing was conducted you may make a complaint to the Tribunal which will be investigated¹.

8. We would suggest that there should be clear routes to make such a complaint in the case of all devolved tribunals. We would also question if an individual is dissatisfied with the outcome of such a complaint, what recourse they then have. This comes back to our question of any role for the Ombudsman, not only in cases that relate to public bodies, but also in

¹ <http://mentalhealthreviewtribunal.gov.wales/mhrtw-faqs/?lang=en>

considering devolved tribunals (and the way that they operate), being public bodies themselves.

For more further information, contact:

Liz Withers
Head of Policy and Campaigns, Wales
Citizens Advice Cymru

Email: liz.withers@citizensadvice.org.uk

January 2018

4th Floor, Trafalgar House | 5 Fitzalan Place | Cardiff | CF24 0ED

Tel: 03000 231 011 | Fax: 03000 231060

www.citizensadvice.org.uk

YMATEB LLYWODRAETH CYMRU I ARGYMHELLION ADRODDIAD Y PWYLLGOR CYDRADDOLDEB, LLYWODRAETH LEOL A CHYMUNEDAU

Craffwyd ar Gyllideb Ddrafft Llywodraeth Cymru ar gyfer 2018-19 gan y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau ym mis Tachwedd 2017. Cwblhawyd adroddiad gan y Pwyllgor yn cynnwys 16 argymhelliad. Y papur hwn yw'r ymateb ffurfiol i'r argymhellion hynny.

Setliad Llywodraeth Leol dros dro 2018-19

Argymhelliad 1

Rydym yn argymhell bod Llywodraeth Cymru yn ystyried ailedrych ar y gostyngiad ychwanegol arfaethedig o 1.5 y cant yn y setliad llywodraeth leol dangosol ar gyfer 2019-20 â'r bwriad o gynyddu i'r eithaf y refeniw sydd ar gael i awdurdodau. Gan hynny, rydym hefyd yn argymhell bod Llywodraeth Cymru yn rhoi gwybod cyn gynted ag y bo modd am unrhyw newidiadau tebygol i gyllid llywodraeth leol yn 2019-20 er mwyn cynorthwyo'r sector yn ei gynlluniau ariannol tymor canolig.

Ymateb – Derbyn mewn egwyddor

Gwneir y penderfyniadau ynglŷn â dyraniadau cyllid rhwng y prif grwpiau gwariant (MEG) ar y cyd gan Weinidogion Cymru. Roedd y Gyllideb Derfynol a gyhoeddwyd gan Ysgrifennydd y Cabinet dros Gyllid ar 19 Rhagfyr yn nodi £40 miliwn yn ychwanegol i gyllid llywodraeth leol yn 2019-20. Adlewyrchwyd hyn yn y setliad llywodraeth leol terfynol a gyhoeddwyd ar 20 Rhagfyr.

Goblygiadau ariannol - Dim. Eisoes wedi'u hystyried wrth baratoi'r gyllideb derfynol.

Gofal cymdeithasol ac addysg

Argymhelliad 2

Rydym yn argymhell bod cyllidebau yn y dyfodol yn fwy tryloyw ac eglur ynglŷn â sut y cyflwynir cyllid ychwanegol.

Ymateb – Derbyn mewn egwyddor

Rydym yn cefnogi'r egwyddor o ddarparu cymaint o eglurder a thryloywder â phosibl wrth gyflwyno'r gyllideb.

Goblygiadau ariannol - Dim

Cronfeydd wrth gefn

Argymhelliad 3

Rydym yn argymell bod Llywodraeth Cymru yn egluro a yw wedi cynnal adolygiad o'r modd y gweithredwyd y canllawiau hyn ar gronfeydd wrth gefn llywodraeth leol, ac yn cyflwyno adroddiad i'r Pwyllgor ar ganlyniad unrhyw adolygiad o'r fath. Os na chynhaliwyd adolygiad, rydym yn argymell bod Llywodraeth Cymru yn ystyried gwneud hynny.

Ymateb – Gwrthod

Cyhoeddwyd y canllawiau ar gronfeydd wrth gefn llywodraeth leol ym mis Ionawr 2016 gyda'r bwriad o hwyluso proses graffu dda. Ers hynny, mae etholiad llywodraeth leol 2017 yng Nghymru wedi arwain at ethol nifer o gynghorwyr newydd a gweinyddiaethau newydd. Mae Llywodraeth Cymru wedi ystyried a ddylid cynnal adolygiad ac mae'n ystyried ei bod yn fwy priodol ailgyhoeddi'r canllawiau i bob un o'r cynghorwyr sydd newydd eu hethol er mwyn iddynt fod yn ymwybodol o'u rôl o ran craffu ar gadw a defnyddio cronfeydd wrth gefn yn eu cyngor. Bydd ailgyhoeddi'r canllawiau yn cyd-fynd ag ystyriaethau'r gyllideb sy'n cael eu trafod ar hyn o bryd ym mhob cyngor ledled Cymru er mwyn caniatáu i aelodau etholedig lleol fod yn fodlon bod penderfyniadau ynglŷn â chadw a defnyddio cronfeydd wrth gefn yn rhoi'r gwerth gorau o ran taliadau'r dreth gyngor.

Goblygiadau ariannol - Dim

Grantiau Penodol

Argymhelliad 4

Rydym yn argymhell bod Llywodraeth Cymru yn egluro sut y mae'n bwriadu monitro gwariant a chanlyniadau mewn meysydd a arferai dderbyn grantiau, ar ôl ymgorffori'r grantiau hynny i'r grant cynnal refeniw.

Ymateb – Derbyn

Lle mae grantiau penodol wedi'u trosglwyddo i'r grant cynnal refeniw, mater i'r maes polisi perthnasol yw ystyried fel rhan o'r broses drosglwyddo pa drefniadau pellach y gall fod yn briodol eu sefydlu i sicrhau bod y canlyniadau a ddymunir yn parhau i gael eu cyflawni. Bydd hyn yn amrywio yn amodol ar natur y grant, y trefniadau blaenorol a oedd yn bodoli ac i ba raddau mae'r canlyniadau yn weladwy ac yn fesuradwy. Mae'n bwysig wrth ystyried hyn y cydnabyddir mai'r bwriad wrth ddarparu'r cyllid drwy'r grant cynnal refeniw heb ei neilltuo yw y dylai llywodraeth leol gael y rhyddid i reoli sut y caiff yr adnoddau eu defnyddio yn y modd mwyaf effeithlon er mwyn cyflawni'n effeithiol y canlyniadau a ariannwyd yn flaenorol drwy drefniant grant. Bydd gwybodaeth ar wariant yn cael ei gasglu drwy gyfres o ffurflenni gwariant.

Goblygiadau ariannol - Dim

Y Prif Grŵp Gwariant Cymunedau a Phlant

Y Grant Newydd ar gyfer Ymyrraeth Gynnar, Atal Problemau a Chefnogaeth

Argymhelliad 5

Rydym yn argymhell bod Llywodraeth Cymru yn:

- ymrwymo i ail-fuddsoddi'r arbedion effeithlonrwydd arfaethedig o £13 miliwn yn ôl yn y Grant Ymyrraeth Gynnar, Atal Problemau a Chefnogaeth;
- cymryd camau i sicrhau na fydd unrhyw arbedion effeithlonrwydd a wneir o 2019-20 ymlaen yn arwain at ostyngiad yn lefel y gwasanaethau;
- amlinellu'r sail dystiolaeth a'r rhesymeg dros y penderfyniad;
- nodi pa drefniadau sydd ar waith i fonitro canlyniadau, er mwyn sicrhau nad yw dadneilltuo yn achosi i bobl sy'n agored i niwed lithro i'r bylchau yn y gwasanaethau;
- sicrhau y clustnodir, mewn rhyw ffordd, y cyllid ar gyfer gwasanaethau tai a gwasanaethau nad ydynt yn ymwneud â thai a ariennir trwy'r Grant; a
- sicrhau bod y Gronfa newydd yn dryloiw trwy ymrwymo i gasglu a chyhoeddi manylion yr union wasanaethau, yn enwedig gwasanaethau a fydd yn mynd i'r afael â digartrefedd, a gaiff eu hariannu ym mhob awdurdod lleol sy'n cymryd rhan yn y cyfnod treialu yn 2018-19.

Ymateb – Derbyn yn rhannol

Fel yr amlinellir yn naratif y Gyllideb amlinellol ar gyfer 2018-19 fel rhan o'n proses gynllunio, rydym wedi archwilio'r ystod o grantiau arbennig a ddarperir ar draws Llywodraeth Cymru i lywodraeth leol a sut y gellir cyfuno'r rhain i gynyddu eu heffaith, a thrwy hynny leihau biwrocratiaeth a darparu mwy o werth am arian a gwella canlyniadau i ddinasyddion.

Drwy gyfuno mwy o grantiau i'r grant cymorth refeniw llywodraeth leol a chyfuno grantiau eraill, wedi'u cefnogi gan fframweithiau canlyniadau, rydym yn rhoi mwy o hyblygrwydd i awdurdodau lleol ac yn helpu i leihau'r baich gweinyddol sy'n gysylltiedig â chyllid grant. Mae hyn yn golygu ein bod yn gallu ail-flaenoriaethu cyllid i ddiogelu cyllid craidd i ysgolion a gwasanaethau cymdeithasol drwy grant cynnal refeniw llywodraeth leol.

Rhagwelir y bydd yr hyblygrwydd cyllido a'r effeithlonrwydd o ran rheoli un grant sengl ar gyfer ymyrraeth gynnar, atal problemau a chefnogaeth yn helpu i liniaru effaith gwireddu'r arbedion sydd eu hangen. Yn ychwanegol at hynny, disgwylir i'r hyblygrwydd a'r gallu i gynyddu cydgysylltiad ar draws rhaglenni a lleihau gorgyffwrdd helpu i wrthbwyso effaith gostyngiad o £13 miliwn. Fel rhan o'r gwaith parhaus a amlinellir isod byddwn yn parhau i adolygu'r cwantwm sydd ei angen i gyflawni'r canlyniadau gofynnol wrth gynllunio ar gyfer cyllideb 2019-20.

Dros sawl blwyddyn, mae Llywodraeth Cymru wedi cyflwyno nifer o raglenni wedi'u hanelu at gefnogi pobl a chymunedau sy'n agored i niwed. Mae grant

penodol gyda'i ofynion a'i gyfyngiadau ei hun yn cyd-fynd â phob rhaglen. Nid yw edrych ar y rhaglenni hyn a'u cyllid fel endidau gwahanol ac ar wahân yn adlewyrchu realiti bywydau pobl nac ychwaith yr angen am wasanaethau cyson sy'n canolbwyntio ar y dinesydd. Rydym eisiau gwella canlyniadau a chyflwyno gwell cefnogaeth i deuluoedd ac unigolion sy'n agored i niwed – heb gael ein llesteirio gan gyfyngiadau artiffisial sy'n cael eu creu weithiau gan grantiau unigol.

Mae awdurdodau lleol wedi dweud wrthym y gall y cyfyngiadau gwahanol a osodir gan ofynion amrywiol y grantiau eu hatal rhag arloesi ac ailgynllunio gwasanaethau i ddiwallu anghenion eu dinasyddion. At hynny, mae pob un o'r grantiau yn dod ag elfen o weinyddiaeth a chostau cysylltiedig a allai gael eu defnyddio'n well i helpu dinasyddion.

Byddwn yn gweithio'n agos ag awdurdodau lleol sy'n cymryd rhan yn y cyfnod treialu dros yr ychydig fisoedd nesaf i gasglu rhagor o dystiolaeth i lywio ein penderfyniadau.

Mewn cyfnod o bwysau ariannol difrifol, rydym yn canolbwyntio ar ganlyniadau yn hytrach na mewnbwn a nod yr Ymyrraeth Gynnar, Atal Problemau a Chefnogaeth, os byddwn yn bwrw ymlaen ag ef, fyddai galluogi rhagor o Awdurdodau Lleol i gynnal eu gwasanaethau drwy roi'r rhyddid iddynt eu darparu mewn ffordd fwy hyblyg ac effeithlon. Felly ni allwn wneud yr ymrwymiad y gofynnir amdano mewn perthynas ag ail-fuddsoddi'r arbedion.

Nid oes penderfyniad terfynol wedi'i wneud o ran creu grant Ymyrraeth Gynnar, Atal Problemau a Chefnogaeth yn 2019-20. Fodd bynnag, os bydd Gweinidogion yn penderfynu bwrw ymlaen bydd yn parhau i fod yn grant wedi'i glustnodi gyda'r cyllid wedi'i ddiogelu a fydd i'w ddefnyddio o fewn y meini prawf a osodir ar gyfer y grant newydd yn unig, a byddai haen cael ei fonitro'n ofalus. Mae'n hollol hanfodol bod gwasanaethau ar gyfer pobl sy'n agored i niwed yn cael eu diogelu ac rydym wedi ymrwymo i sicrhau y caiff cyllid sy'n cefnogi gwasanaethau ataliol anstatudol ei ddiogelu.

Rydym yn gweithio â'r Awdurdodau Lleol sy'n rhan o'r cynllun braenaru a rhanddeiliaid i ddatblygu telerau ac amodau a fframwaith canlyniadau sy'n taro'r cydbwysedd cywir rhwng hyblygrwydd i Awdurdodau Lleol ymateb i'w cyd-destun lleol a'r angen i sicrhau ein bod yn diogelu buddiannau grwpiau sy'n agored i niwed. Ar gyfer 2018-19, rhagwelir y bydd ganddo yn fras yr un trefniadau monitro ac adrodd â'r rhai sy'n bodoli ar gyfer y grantiau unigol.

Bydd yr awdurdodau lleol sy'n rhan o'r cynllun braenaru yn cyflwyno eu cynlluniau gwario arfaethedig ar gyfer cyllid a gaiff ei gynnwys yn y rhaglen fraenaru Hyblygrwydd Cyllido i Lywodraeth Cymru er mwyn craffu arnynt. Dim ond pan fydd Llywodraeth Cymru wedi cytuno ar gynlluniau gwario a'u cymeradwyo y bydd y grant yn cael ei dalu.

Byddwn yn parhau i gasglu a chyhoeddi data ar wasanaethau cefnogi pobl ac atal digartrefedd.

Goblygiadau ariannol - Dim

Cydraddoldeb

Argymhelliad 6

Rydym yn argymhell bod Llywodraeth Cymru yn ailddechrau cynnal asesiadau effaith manwl o'i chyllideb ddrafft yn y dyfodol, yn unol ag argymhellion y pwyllgor a'n rhagflaenodd, y Comisiwn Cydraddoldeb a Hawliau Dynol ac arfer da rhyngwladol.

Ymateb – Gwrthod

Mae Llywodraeth Cymru yn cydnabod bod rhaid i asesiadau effaith manwl, e.e. Asesiad o'r Effaith Amgylcheddol ac Asesiad o'r Effaith ar Hawliau Plant, gael eu cynnal fel rhan o ddatblygu polisi. Bydd y rhain yn llywio penderfyniadau cyllideb presennol a Gweinidogion unigol sy'n gyfrifol am gwblhau'r asesiad effaith perthnasol lle bo angen er mwyn llywio'r Asesiad Effaith Integredig, a chraffu pellach. Mae Llywodraeth Cymru yn bwriadu parhau i gyhoeddi asesiadau effaith integredig ochr yn ochr â chyhoeddi'r gyllideb ddrafft.

Goblygiadau ariannol - Dim

Tlodi a chyflogadwyedd

Argymhelliad 7

O gofio bod gwahanol adrannau'n gyfrifol am y cyllid ar gyfer rhaglenni lleihau tlodi, a'r ffaith fod cyfrifoldebau Ysgrifenyddion a Gweinidogion wedi newid yn ddiweddar ar draws y llywodraeth, rydym yn annog Llywodraeth Cymru i ailystyried yr angen am strategaeth lleihau tlodi ar draws y llywodraeth, yn unol â'r argymhelliad yn ein hadroddiad diweddar, *Cymunedau yn Gyntaf: yr hyn a ddysgwyd*.

Ymateb – Gwrthod

Mae ein Strategaeth Genedlaethol, *Ffyniant i Bawb*, yn darparu fframwaith er mwyn inni weithredu fel Llywodraeth gyfan i gynyddu ffyniant a mynd i'r afael â'r achosion sydd wrth wraidd tlodi mewn modd mwy effeithiol a chydgyssylltiedig. Cyhoeddwyd y Strategaeth ar 19 Medi ac mae'n amlinellu pedair thema allweddol a fydd yn cyfrannu tuag at ffyniant i bawb, sef Ffyniannus a Diogel, Iach ac Egnïol, Uchelgeisiol ac yn Dysgu, ac Unedig a Chysylltiedig.

Dros gyfnod yr hydref/gaeaf rydym wedi cyhoeddi rhai o'r cynlluniau allweddol sydd wrth wraidd y themâu hyn. Mae'r rhain yn amlinellu sut y byddwn yn ymateb i anghenion dinasyddion Cymru, gan gynnwys y rhai sy'n byw mewn tlodi.

Addysg yng Nghymru: Cenhadaeth ein Cenedl yw'r cynllun addysg a gyhoeddwyd ar 26 Medi sy'n amlinellu sut y byddwn yn parhau i godi safonau a lleihau'r bwlch o ran cyrhaeddiad rhwng dysgwyr dan anfantais a'u cyfoedion.

Cyhoeddwyd y *Cynllun Gweithredu Economaidd* ar 12 Rhagfyr. Mae'n gynllun eang sy'n defnyddio pob opsiwn ar draws y llywodraeth i gefnogi twf economaidd, lledaenu cyfleoedd a hybu llesiant. Rydym wedi ymrwymo i greu economi a marchnad lafur gref sy'n cefnogi'r agenda ar gyfer mynd i'r afael â thlodi ac sy'n lleihau tlodi mewn gwaith.

Gan edrych ymlaen a chydabod mai gwaith yw'r ffordd fwyaf effeithiol allan o dlodi, bydd ein Cynllun Cyflenwi Cyflogadwyedd yn cael ei gyhoeddi yn y Flwyddyn Newydd. Mae'n ategu'r ymrwymiad yn Symud Cymru Ymlaen i ail-lunio cymorth cyflogadwyedd i unigolion sy'n barod am waith, a'r rheiny sydd bellaf oddi wrth y farchnad lafur, er mwyn eu helpu nhw i ennill y sgiliau a'r profiad sydd eu hangen i gael a chadw swyddi cynaliadwy.

Mae'r Tasglu ar gyfer y Cymoedd hefyd wedi cyhoeddi'r cynllun cyflawni ar gyfer *Ein Cymoedd, Ein Dyfodol*. Mae'n amlinellu ystod o nodau a champau gweithredu mewn tri maes blaenoriaeth, sef swyddi a sgiliau, gwell gwasanaethau cyhoeddus a'r

gymuned leol. Byddwn yn adrodd ar y cynnydd a wnaed ac yn nodi arferion gorau y gellir eu rhannu ledled gweddill Cymru.

Goblygiadau ariannol – Dim

Argymhelliad 8

Hoffem gael rhagor o wybodaeth am yr hyn y mae Llywodraeth Cymru yn ei wneud i fynd i'r afael â thlodi misglwyf, a faint o arian sydd wedi'i ddyrannu.

Ymateb – Derbyn

Mae Llywodraeth Cymru yn cydnabod bod tlodi misglwyf yn fater pwysig. Rydym ar hyn o bryd yn edrych ar opsiynau i fynd i'r afael â thlodi misglwyf fel rhan o'n gwaith ehangach o leihau anghydraddoldeb a lliniaru effaith tlodi.

Yn benodol, rydym yn ymchwilio i'r posibilrwydd o greu cynllun i ddarparu deunydd hylendid menywod i ddefnyddwyr banciau bwyd yng Nghymru. Megis dechrau y mae'r gwaith hwn a bydd yn cynnwys ystyriaeth o gostau a chyllid.

Rydym hefyd wedi ymchwilio i'r cysylltiadau posibl rhwng presenoldeb yn yr ysgol a thlodi misglwyf. Yn ystod yr haf, ymgysylltwyd ag ystod eang o randdeiliaid i adolygu'r trefniadau cenedlaethol ar gyfer presenoldeb yn yr ysgol. Dywedir wrthym nad yw'n hysbys bod argaeledd deunydd hylendid menywod am ddim yn cael effaith ar bresenoldeb yn yr ysgol. Os ceir achosion lle bydd angen deunydd hylendid ar ferched, dylai bod gan ysgolion drefniadau hysbys i gefnogi llesiant y dysgwyr a dylent fod yn cymryd camau i atgoffa merched yn rheolaidd bod cynnyrch misglwyf ar gael gan staff penodol os bydd ei angen.

Mae rhai awdurdodau lleol yn parhau i ymchwilio i effaith posibl tlodi misglwyf ar ddysgu. Byddwn yn parhau i weithio â gwasanaethau addysg ac eraill i ystyried unrhyw dystiolaeth newydd sy'n ymddangos ac i archwilio opsiynau eraill i fynd i'r afael â thlodi misglwyf.

Goblygiadau ariannol – Dim ar hyn o bryd

Cymunedau yn Gyntaf

Argymhelliad 9

Rydym yn argymhell bod Llywodraeth Cymru yn amlinellu sut y bydd yn sicrhau bod Cyllid Etifeddol Cymunedau yn Gyntaf a'r Cynllun Cyflogadwyedd arfaethedig yn diwallu anghenion pobl ifanc ac anabl sy'n debygol o deimlo effaith anghymesur oherwydd bod Cymunedau yn Gyntaf yn dirwyn i ben.

Ymateb – Derbyn

Bydd y Gronfa Etifeddol yn hyblyg er mwyn caniatáu i awdurdodau lleol roi agweddau mwyaf effeithiol Cymunedau yn Gyntaf ar waith mewn modd sy'n diwallu anghenion eu cymunedau lleol yn y ffordd orau.

Tra bydd gweithgareddau'r Gronfa Etifeddol yn cael eu hadnabod yn lleol, mae'r egwyddorion arweiniol sydd eisoes wedi'u cyhoeddi yn ei gwneud yn glir y dylai'r blynyddoedd cynnar fod yn ystyriaeth allweddol, ynghyd ag asesiad o lesiant lleol a'r cynllun llesiant lleol.

Gwyddom fod pobl ifanc sy'n ddi-waith mewn mwy o berygl o gael 'creithiau' hirdymor, o ran cyflog is, diweithdra uwch a llai o gyfleoedd bywyd. Bydd ein Cynllun Cyflenwi Cyflogadwyedd yn amlinellu'r camau rydym yn eu cymryd yn benodol er mwyn i bobl ifanc fynd i'r afael â'r rhwystrau i gyflogaeth a'u goresgyn.

Rydym hefyd yn gwybod bod y gyfradd cyflogaeth ar gyfer pobl anabl a phobl â chyflyrau iechyd hirdymor yn is na'r gyfradd i'r rhai heb gyflyrau. Byddwn yn amlinellu'r camau rydym yn eu cymryd i ddarparu pecyn cymorth mwy unigol a phwrpasol i'r rhai sy'n chwilio am waith, a'r camau y byddwn yn eu cymryd i sicrhau bod pobl anabl, a grwpiau eraill â nodweddion gwarchodedig yn cael mynediad i'r cymorth sydd ar gael a chyfleodd cyflogaeth dilynol.

Goblygiadau ariannol - Byddai unrhyw gostau ychwanegol yn dod o gyllidebau rhaglenni presennol

Y Gronfa Cymorth Dewisol

Argymhelliad 10

Rydym yn argymhell bod Llywodraeth Cymru yn egluro pa gamau y mae wedi eu cymryd i hyrwyddo ymwybyddiaeth o'r gronfa cymorth dewisol ac i'w gwneud yn haws manteisio arni, er mwyn sicrhau bod y gronfa fwy yn cyrraedd y bobl hynny sydd ei hangen fwyaf.

Argymhelliad – Derbyn

Caiff y Gronfa Cymorth Dewisol ei hyrwyddo drwy ein partneriaid. Rydym yn parhau i chwilio am gyfleoedd i hyrwyddo ymwybyddiaeth o'r Gronfa Cymorth Dewisol ymysg sefydliadau sy'n gweithio â phobl a allai fod yn agored i niwed a than anfantais. Mae cyfres o daflenni gwybodaeth wedi'u cynhyrchu a'u cylchredeg i gefnogi sefydliadau sy'n gweithio â grwpiau sy'n agored i niwed gan gynnwys pobl ddigartref, pobl sy'n ffoi rhag trais yn y cartref a phobl sy'n gadael gofal, er mwyn sicrhau bod sefydliadau perthnasol yn ymwybodol o'r Gronfa Cymorth Dewisol ac yn gallu cefnogi eu cleientiaid â cheisiadau.

Rydym hefyd yn parhau i geisio cynyddu nifer y partneriaid cofrestredig yn y Gronfa Cymorth Dewisol gan ein bod yn credu mai partneriaid sydd yn aml yn y sefyllfa orau i gynorthwyo â cheisiadau. Mae yna Reolwr Partneriaeth pwrpasol sy'n darparu hyfforddiant gydol y flwyddyn ac mae llawer yn mynychu. Mae'r rhaglen hyfforddi barhaus hon ar gael i bob sefydliad partner a'r rhai sy'n dymuno bod yn bartneriaid, er mwyn codi ymwybyddiaeth o'r cymorth y gall y Gronfa Cymorth Dewisol ei ddarparu ac i wella mynediad i'r gronfa.

Mae gwell dull cyfathrebu i Aelodau'r Cynulliad ac Aelodau Seneddol sy'n dymuno cynorthwyo etholwyr gyda cheisiadau hefyd wedi'i gyflwyno eleni.

Goblygiadau ariannol - Byddai unrhyw gostau ychwanegol yn dod o gyllidebau rhaglenni presennol

Argymhelliad 11

Hoffem i Lywodraeth Cymru roi'r wybodaeth ddiweddaraf ynglŷn â'i hystyriaeth o'r argymhelliad hwn.

Ymateb – Derbyn

Rydym wedi gweithio â Northgate - partner Cronfa Cymorth Dewisol – i ddiwygio'r system er mwyn galluogi ffoaduriaid newydd i gael mynediad i'r Gronfa Cymorth Dewisol cyn cael eu rhif Yswiriant Gwladol, drwy bartneriaid dibynadwy. Rydym hefyd yn deall bod y Swyddfa Gartref yn bwriadu cyflwyno proses newydd yn y Flwyddyn Newydd a ddylai leihau nifer y ffoaduriaid newydd anghenus yn sylweddol,

drwy sicrhau bod rhifau Yswiriant Gwladol yn cael eu hargraffu ar y Drwydded Breswyl Fiometrig ar adeg caniatáu statws ffoadur.

Rydym hefyd wedi gweithio gyda'r Groes Goch Brydeinig, Cyngor Ffoaduriaid Cymru a phartneriaid eraill i ymchwilio i'r opsiynau ar gyfer cronfa argyfwng amddifadedd i geiswyr lloches yng Nghymru ac mae'r sgysiau hyn yn parhau. Mae ein partneriaid wedi gwneud peth gwaith cwmpasu cychwynnol ac wedi cyflwyno eu sylwadau inni. Rydym wedi gofyn yn ddiweddar i ragor o waith gael ei wneud cyn inni gyfarfod i drafod opsiynau i'w hystyried o bosibl gan Weinidogion.

Mae 'Dim Cefnogaeth o Gronfeydd Cyhoeddus' a Fforwm Amddifadedd newydd wedi'u sefydlu, dan gadeiryddiaeth y Groes Goch Brydeinig a Chyngor Ffoaduriaid Cymru, gyda chyfranogiad Llywodraeth Cymru, Partneriaeth Mudo Strategol Cymru, Awdurdodau Lleol a rhanddeiliaid eraill i gydlynw gweithgareddau yn well er mwyn lliniaru amddifadedd.

Goblygiadau ariannol – Dim. Byddai unrhyw gostau ychwanegol yn dod o gyllidebau rhaglenni presennol

Trais yn erbyn menywod, cam-drin domestig a thrais rhywiol

Argymhelliad 12

Rydym yn argymhell bod Llywodraeth Cymru yn darparu rhagor o wybodaeth am yr hyn y bydd yr arian ychwanegol yn cael ei wario arno a sut y bydd yn cryfhau'r trefniadau gweithio ar lefel ranbarthol.

Ymateb – Derbyn o ran egwyddor

Mae grant Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol yn cynnwys cyllid i awdurdodau lleol a sefydliadau'r trydydd sector gyflwyno darpariaeth gwasanaethau uniongyrchol i gefnogi a diogelu dioddefwyr; cydgysylltu gwasanaethau yn strategol ar lefel leol; a hyfforddiant. Mae'r cyllid wedi'i gyfeirio tuag at gyflawni nodau Deddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015.

Bydd y gwaith parhaus o ddatblygu dull gweithredu ar lefel rhanbarthol yn dyrannu adnoddau i wasanaethau cydgysylltiedig cryfach a gwell, ac yn cynnig gwasanaeth o ansawdd gwell i'r rhai sydd wedi dioddef neu sydd wedi goroesi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Bydd y cyllid ychwanegol yn cefnogi'r dull hwn ymhellach ar draws y rhanbarthau i wella ymgysylltiad a darpariaeth gwasanaethau rheng flaen.

Goblygiadau ariannol – Dim

Digartrefedd

Argymhelliad 13

Rydym yn argymhell bod Llywodraeth Cymru yn gweithio'n agos gydag awdurdodau lleol i sicrhau bod yr arian hwn yn cael ei ddefnyddio ar gyfer atal digartrefedd. Yn ogystal, rydym yn argymhell bod Llywodraeth Cymru yn egluro a yw'n bwriadu monitro gwariant a chanlyniadau yn hyn o beth, yn enwedig o ystyried y cynnig i gyfuno cyllid ar gyfer Atal Digartrefedd â'r grant newydd ar gyfer Ymyrraeth Gynnar, Atal Problemau a Chefnogaeth, ac os felly, sut.

Ymateb – Derbyn

Mae atal digartrefedd yn parhau'n flaenoriaeth i'r Llywodraeth ac roedd Rhan 2 o Ddeddf Tai (Cymru) 2014 yn gosod dyletswyddau newydd ar awdurdodau lleol i helpu i atal a lliniaru digartrefedd.

Bydd swyddogion Polisi Tai yn gweithio'n agos â thimau Cyngor ar Dai awdurdodau lleol i sicrhau bod y grant yn cael ei fuddsoddi mewn gwasanaethau sy'n cefnogi pobl sy'n ddigartref neu sydd mewn perygl o fod yn ddigartref. Yn dilyn dyfarnu'r cyllid cychwynnol bydd swyddogion yn monitro rhaglenni braenaru a'r defnydd o gyllid gan gynnwys i ba raddau y mae gwasanaethau'n parhau i dargedu pobl sy'n ddigartref neu sydd mewn perygl o fod yn ddigartref.

Nid oes penderfyniad terfynol wedi'i wneud eto o ran symud at grant sengl cyfunol ar gyfer Ymyrraeth Gynnar, Atal Problemau a Chefnogaeth.

Bydd awdurdodau lleol sy'n cymryd rhan yn y cynllun braenaru yn cyflwyno eu cynlluniau gwario arfaethedig ar gyfer cyllid sy'n rhan o'r rhaglen fraenaru Hyblygrwydd Cyllido i Lywodraeth Cymru ar gyfer craffu. Dim ond pan fydd Llywodraeth Cymru wedi cytuno ar gynlluniau gwario ac wedi eu cymeradwyo y bydd y grant yn cael ei dalu.

Byddwn yn parhau i gasglu a chyhoeddi data ar wasanaethau cefnogi pobl ac atal digartrefedd.

Goblygiadau ariannol – Dim

Safonau tai

Argymhelliad 14

Rydym yn argymhell bod Llywodraeth Cymru yn ei gwneud yn eglur sut y bydd y data newydd ar gyflwr y stoc tai yn cael eu defnyddio i lywio penderfyniadau ariannu yn y dyfodol er mwyn sicrhau bod adnoddau'n cael eu targedu'n effeithiol.

Ymateb – Derbyn

Bydd Rhaglen Tystiolaeth o Amodau Tai (HCEP) yn adrodd ar ei chanfyddiadau yn 2018.

Rydym wedi ymrwymo i ddilyn system dargedu yn seiliedig ar dystiolaeth a byddwn yn defnyddio'r rhaglen yn y modd hwn.

O gofio nad ydym yn gwybod eto beth fydd y dystiolaeth yn ei datgelu, ni allwn ddiffinio ei heffaith ar benderfyniadau cyllido yn y dyfodol. Fodd bynnag, o gofio'r cafeat hwnnw, rydym yn credu y gallai'r dystiolaeth arwain at newid tuag at:

1. Ffocws gwahanol ar gyfer Safon Ansawdd Tai Cymru ar ôl 2020 a fydd yn pwysleisio'r angen i wella cyflwr eiddo perchnogion preswyl; a
2. Menter ôl-osod sylweddol er mwyn datgarboneiddio ledled Cymru yn gweithio ar draws timau Tai ac Amgylchedd Llywodraeth Cymru gan ddefnyddio'r dystiolaeth newydd.

Rydym hefyd yn comisiynu darn o waith a fydd yn adeiladu ar y data sy'n llifo o'r Rhaglen Tystiolaeth o Amodau Tai ac sy'n arwain at gamau gweithredu wedi'u targedu (ac o bosibl mentrau caffael gwahanol) drwy gysylltu'r Rhaglen Tystiolaeth o Amodau Tai â'r costau penodol sy'n gysylltiedig ag ymyriadau gwahanol fydd yn gweithio ar wahanol fathau o dai mewn gwahanol rannau o Gymru.

Goblygiadau ariannol – Nid ydynt yn hysbys nes bod y Rhaglen Tystiolaeth o Amodau Tai yn adrodd ar ei chanfyddiadau yn 2018.

Byw'n annibynnol a chyfranogiad tenantiaid

Argymhelliad 15

Rydym yn argymhell bod Llywodraeth Cymru yn egluro pryd y bydd data monitro'r fframwaith Hwyluso ar gael, ac yn cyflwyno adroddiad inni ar y data cyn gynted ag y bo modd.

Ymateb – Derbyn

Mae swyddogion wrthi'n comisiynu prosiect bach i gasglu a dadansoddi data, a rhagwelir y bydd adroddiad terfynol ar gael ym mis Mawrth 2018.

Goblygiadau ariannol – Byddai unrhyw gostau yn dod o gyllidebau rhaglenni presennol

Argymhelliad 16

Rydym yn argymhell bod Llywodraeth Cymru yn rhoi'r wybodaeth ddiweddaraf inni am berfformiad TPAS Cymru pan fo data monitro perfformiad ar gael.

Ymateb – Derbyn

Bydd y wybodaeth ddiweddaraf am y cyfnod hyd ddiwedd mis Mawrth 2018 yn cael ei darparu, yn seiliedig ar y meini prawf a amlinellir yn y cynnig grant i TPAS Cymru. Bydd hyn yn cyd-daro â diwedd blwyddyn gyntaf y trefniadau newydd ar gyfer cyfranogiad tenantiaid.

Goblygiadau ariannol - Dim

Eitem 9

Yn rhinwedd paragraff(au) vii o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon



Ein cyf/Our ref DC/RE/0874/17

John Griffiths AC
Cadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-03-18 Papur 8 / Paper 8

4 Ionawr 2018

Annwyl John

Diolch am eich llythyr dyddiedig 8 Rhagfyr ynghylch y Memorandwm Cydsyniad Deddfwriaethol Atodol ar Fil Cyfarwyddyd Ariannol a Hawliadau Llywodraeth y Deyrnas Unedig ('y Bil').

Rwy'n fwy na pharod i egluro ymhellach y sylwadau a wnaed ym mharagraff 8 o adroddiad eich Pwyllgor.

Mae angen Memorandwm Cydsyniad Deddfwriaethol gan fod y darpariaethau yn Rhan 1 o'r Bil o fewn cymhwysedd deddfwriaethol Cynulliad Cenedlaethol Cymru yn unol â phwnc 5 (Addysg a Hyfforddiant), pwnc 15 (Lles Cymdeithasol) a phwnc 4 (Datblygu Economaidd) yn Rhan 1 o Atodlen 7 i Ddeddf Llywodraeth Cymru 2006, a hynny gan fod y Bil yn cynnig sefydlu Corff Cyfarwyddyd Ariannol Sengl a fydd â'r swyddogaethau canlynol: cyfarwyddyd pensiynau, cyngor ar ddyledion, cyfarwyddyd ariannol a strategaethau gallu ariannol i alluogi pobl i gael y cyngor a'r cymorth y mae eu hangen arnynt i wneud penderfyniadau da am arian.

Mae darparu cyngor a chymorth ar ddyled, cyfarwyddyd ariannol, a sgiliau gallu ariannol yn dod o dan y pynciau perthnasol yn Rhan 1 o Atodlen 7 i Ddeddf Llywodraeth Cymru 2006 fel y nodir uchod, a hynny mewn perthynas ag addysg a hyfforddiant; ynghyd â hybu, dyrchafu a chymhwyso gwybodaeth (pwnc 5). Yn yr un modd, mae pwnc 4, datblygu economaidd, hefyd yn gymwys o ran adfywio a datblygu economaidd, gan gynnwys datblygu cymdeithasol mewn cymunedau. Yn ogystal, mae pwnc 15 yn gymwys, gan y bydd darparu cyfarwyddyd ariannol, cyngor ar ddyled, a sgiliau gallu ariannol yn cyfrannu at ddiogelu plant, llesiant plant a phobl ifanc, ynghyd â gofalu plant, a gofalu am bobl agored i niwed a phobl hŷn.

O ran y darpariaethau ar gyfer cynllun seibiant rhag dyled (y diwygiadau'n ymwneud â seibiant yr ymdrinnir â nhw yn y Memorandwm Atodol), ystyrir bod y darpariaethau fframwaith arfaethedig o fewn cymhwysedd deddfwriaethol Cynulliad Cenedlaethol Cymru yn unol â phynciau 4, 5 a 15 o Atodlen 7 i Ddeddf Llywodraeth Cymru 2006 gan mai prif ddiben y darpariaethau yw diogelu a chynorthwyo o ran dyled drwy sefydlu cynllun seibiant statudol.

Mae Llywodraeth Cymru'n cydnabod pwysigrwydd sgiliau gallu ariannol o ran gwella gallu pobl Cymru i wneud penderfyniadau ariannol da ac osgoi mynd i ddyled argyfyngus. Er enghraifft, rydym wedi cynnwys addysg gallu ariannol yng nghwricwlwm ysgolion, a thrwy ein rhaglenni cyflogadwyedd cyfeirir unigolion at gyrsiau sgiliau rheoli arian i'w helpu i gael a chadw cyflogaeth.

Yn y Cynllun Gweithredu Gwybodaeth a Chyngor a'r Strategaeth Cynhwysiant Ariannol, rydym hefyd wedi cydnabod rôl bwysig gwasanaethau cyngor lles cymdeithasol o ran cefnogi datblygu economaidd, gan gynnwys cyngor a chyfarwyddyd mewn perthynas â dyled ac arian. Er enghraifft, mae'n hysbys bod problemau lles cymdeithasol, megis dyled argyfyngus, yn cael effaith andwyol ar iechyd meddwl, a bod hynny, yn ei dro, yn rhwystr rhag cael cyflogaeth. Fodd bynnag, gall cymorth a chyngor liniaru hyn, a helpu person i ddod o hyd i gyfleoedd gwaith neu hyfforddiant.

Hoffwn ddiolch i'ch Pwyllgor am ei waith yn ystyried y darpariaethau pwysig hyn. Maent yn cynnig buddion i ddinasyddion Cymru drwy greu sector cyngor mwy integredig a chydlynol. Edrychaf ymlaen at eich sylwadau ar y Memorandwm Atodol, a chawn gyfle i drafod y ddau Femorandwm yn y ddadl ar 13 Chwefror.

Yn gywir,



Rebecca Evans AC/AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

Rebecca Evans AC
y Gweinidog Tai ac Adfywio

8 Rhagfyr 2017

Annwyl Rebecca

Memorandwm Cydsyniad Deddfwriaethol Atodol ar y Bil Arweiniad a Hawliadau Ariannol

Byddwch yn ymwybodol i'r Pwyllgor Busnes, ar 11 Gorffennaf 2017, gyfeirio Memorandwm Cydsyniad Deddfwriaethol mewn perthynas â'r Bil Arweiniad a Hawliadau Ariannol i'r Pwyllgor Plant, Pobl Ifanc ac Addysg i'w ystyried. Gan fod elfennau o'r Memorandwm Cydsyniad Deddfwriaethol yn dod o dan gylch gwaith y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau, cafodd ei ystyried hefyd gan ein Pwyllgor ni.

Ysgrifennodd y Pwyllgor at Lywodraeth Cymru yn gofyn am eglurhad ynghylch nifer o faterion, gan gynnwys y graddau y mae'r darpariaethau a nodir yn y memorandwm cydsyniad deddfwriaethol o dan Addysg a Hyfforddiant, Llesiant Cymdeithasol, a datblygu economaidd o fewn cymhwysedd deddfwriaethol y Cynulliad. Nid oedd yr ymateb a gawsom yn egluro'r mater hwn. (Mae copïau o'r ddau lythyr wedi'u hatodi).

Wrth adrodd ar y memorandwm, gwnaethom ddatgan nad oedd rheswm pam y dylai'r Cynulliad wrthod y memorandwm, ond gwnaethom nodi y byddai'r Aelodau, o bosib, yn dymuno ceisio eglurder ar y mater hwn yn ystod y ddatg.



berthnasol. Hyd yn hyn, ni chynhaliwyd dadl ar y memorandwm, felly rydym yn parhau i aros am eglurder ynghylch y mater hwn.

Cawsom lythyr gan y Pwyllgor Busnes ar 6 Rhagfyr yn gofyn a fyddai modd inni ystyried y memorandwm atodol erbyn 9 Ionawr. Yn ein cyfarfod ar 7 Rhagfyr, gwnaethom ystyried y cais hwn, gan gytuno i wneud ein gorau glas i sicrhau bod y memorandwm atodol yn cael ei ystyried mewn modd amserol. I'r perwyl hwn, byddwn yn rhoi'r mater ar yr amserlen ar gyfer ein cyfarfod ar 13 Rhagfyr, er mwyn sicrhau ein bod yn gallu rhoi ystyriaeth iddo cyn y Nadolig os caiff ei gyfeirio atom. Fodd bynnag, gan fod angen eglurder ynghylch un mater penodol, rydym yn gofyn ichi ddarparu eglurhad ysgrifenedig ynghylch y mater hwnnw cyn gynted ag y bo modd, ac erbyn 2 Ionawr fan pellaf.

Mae llythyr y Llywydd yn nodi y bydd amser ar gyfer gwaith craffu gan y pwyllgorau. Felly, rydym yn awgrymu bod amser yn cael ei neilltuo er mwyn ein galluogi ni i ystyried eich ymateb cyn cyflwyno adroddiad ar y mater hwn cyn y ddadl yn y Cyfarfod Llawn. Credwn y gellid gwneud hyn pe bai'r ddadl yn y Cyfarfod Llawn yn cael ei symud yn ôl i 16 Ionawr. Byddai hyn yn rhoi pedair wythnos busnes inni ystyried y memorandwm, sy'n llai na'r cyfnod o chwe wythnos y mae Llywodraeth Cymru wedi ymrwymo iddo o ran y gwaith craffu a wneir ar femoranda cydsyniad deddfwriaethol.

Yn gywir



John Griffiths AC
Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu yn Saesneg.

We welcome correspondence in Welsh or English.



Eitem 10

Yn rhinwedd paragraff(au) vii o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon